

The Lawcode [*Datastanagirk*] of Mxit'ar Goš

Translated with Commentary and Indices
by

Robert W. Thomson



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CONTENTS OF THE LAWCODE

Mxit'ar's Introduction to his Code

1. In which is found a reply to those who slander us [on the grounds] that there is no code in Armenia
2. Why we wished to compose [this book] now, and at whose instigation we reached this intention
3. An indication in sufficient measure of the significance of the present enterprise, with an entreaty to lord Step'annos, Catholicos of the Ałuank'
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PREFACE

The first printed edition of the late-twelfth century Armenian *Lawcode* by Mxit'ar Goš appeared in 1880, edited by V. Bastameanc'.¹ Though the text was of a secondary recension, this edition with its detailed commentary naturally attracted a good deal of attention in Armenian scholarly circles; for Mxit'ar had been the first to compile a legal code that included secular as well as canonical precepts. In 1905 much of Mxit'ar's code became available in German through Josef Karst's edition and translation of the 13th century Code of Smbat the Constable. Smbat had relied heavily on his predecessor, and Karst quoted Mxit'ar at length in his commentary. Karst's edition, however, attracted greater interest for the linguistic peculiarities of Smbat's code, which was written in colloquial Armenian and not the classicizing form of the language used by most medieval scholars, than for the history of Armenian law. In 1975 a critical edition of the first recension of Mxit'ar's *Lawcode* was published by T'orosyan. To date no translation of this original version of the text has appeared in any language. A Russian version of Bastameanc's text was published by Papovyan in Erevan in 1954, but this is virtually unobtainable.

In the last three decades a great deal of research has been directed at the translations into Armenian of Byzantine legal codes, some of which were rendered via their Syriac versions.² In this expanding field of study a rendering in English of the first native Armenian law-code, the basic compilation of legal tradition which influenced all later Armenian codes, seems timely and appropriate, not least as a modest guide to those scholars involved in the study of medieval law who remain innocent of Armenian.

¹ V. Bastameanc', *Mxit'ar Goši Datastanagirk' Hayoc'*, Ejmiacin 1880. See the Bibliography for full details of all works quoted. For Armenian legal texts in general see the comprehensive survey of published materials in Burgmann/Kaufhold, *Bibliographie*.

Mxit'ar is a very common Armenian personal name, meaning "consolation," as in Jn.14.16, rendering the Greek *paraklētos*. *Goš* has two meanings: the most common is "grey, ash-coloured;" the other is "thin-haired." That the second is intended as Mxit'ar's sobriquet is clear from the description of him in the *History* of Kirakos Ganjakec'i, p.220, where his white hairs are described as "very sparse, *heġagoy*n."

² For a recent summary see Kaufhold, *Armenische Übersetzungen*.

The purpose of the following translation and commentary is restricted to an attempt to make Mxit'ar's Lawcode comprehensible. It is not an essay on the history of early and medieval Armenian law. Where possible I have indicated the sources on which Mxit'ar drew (many of which had already been noted by Bastameanc' and T'orosyan). I have emphasized his use of biblical texts, of ecclesiastical law as known through the Armenian compilation of canons, the *Kanonagirk'*, and his less extensive use of Armenian histories and other writings.

Several important questions remain. The most significant is whether Mxit'ar, when not quoting a previous source, is describing an oral tradition (and he refers frequently to the varieties of local practice) or is prescribing a new rule of his own. Explicit references to legal practice in earlier Armenian writers are sparse indeed, so there is little evidence on which to base comparisons; though the evidence of inscriptions may produce valuable information for local conditions. Furthermore, the lasting influence of this Lawcode both within Armenia itself and in the diaspora deserves thorough study, but is not explored here.³

There are numerous difficulties in the text, and I am sure that my Armenological colleagues will be able to make many improvements to the following English rendering. Nonetheless, one has to begin somewhere. My interest has been in Mxit'ar as an author, not so much as a legal expert, which he strongly disclaimed to be, but as a concerned *vardapet* who had a practical task – the pastoral care of his flock in a non-Christian environment. His motives and methods are addressed in the following Introduction. Here I would merely add that my principal aim is to introduce an important text to a readership unfamiliar with Armenian, with the hope of arousing interest in this unique document among wider scholarly circles.

I would like to thank Jos Weitenberg for all his help in the production of this book.

³ See Burgmann/Kaufhold for bibliography on later developments.

ABBREVIATIONS

Aa	The Armenian text of Agat'angelos
B	The edition of the Lawcode by Bastameanc'. See Mxit'ar Goš, s.v. Armenian Texts
BSOAS	<i>Bulletin of the School of Oriental and African Studies</i>
CSCO	Corpus Scriptorum Christianorum Orientalium
DOP	<i>Dumbarton Oaks Papers</i>
DSALL	Dutch Studies in Armenian Language and Literature
EH	<i>The Epic Histories</i> , trans. N.G. Garsoïan. See Buzandaran, s.v. Armenian Texts
G	The shorter version of the Lawcode, printed after recension A in T'orosyan's edition. See Mxit'ar Goš, s.v. Armenian Texts
GT'	<i>Girk' T'it'oc'</i> . See s.v. Armenian Texts
HATS	Harvard Armenian Texts and Studies
HAnjB	<i>Hayoc' Anjnanunneri Bařaran</i> . See Ačarean, s.v. Secondary Literature
HArmB	<i>Hayeren Armatakan Bařaran</i> . See Ačarean, s.v. Secondary Literature
JTS	<i>Journal of Theological Studies</i>
K	The edition of Smbat's Code by Karst. See Smbat, s.v. Armenian Texts
KJV	The Authorised [King James] Version of the Bible
KH	<i>Kanonagirk' Hayoc'</i> . See s.v. Armenian Texts.
LM	<i>Le Muséon</i>
MG	Mxit'ar Goš. It may signify either the person or his Lawcode
MX	Movsēs Xorenac'i. See s.v. Armenian Texts
NBHL	<i>Nor Bargirk' Haygazean Lezui</i> . See s.v. Secondary Literature
NT	New Testament
OCA	Orientalia Christiana Analecta
OT	Old Testament
PO	Patrologia Orientalis
PBH	<i>Patma-banasirakan Handes</i>
REArm	<i>Revue des Etudes arméniennes</i>
SR	Syro-Roman Code. See s.v. Armenian Texts.

- T'** T'orosyan's edition of the Lawcode. See Mxit'ar Goš, s.v. Armenian Texts
- UPATS** University of Pennsylvania Armenian Texts and Studies
- YD** Yovhannēs Drasxanakertc'i. See s.v. Armenian Texts
- Zohrab** The text of the Armenian Bible. See Bible, s.v. Armenian Texts

INTRODUCTION

Of Armenian legal systems before the development of writing in the Armenian language nothing can be known for certain. At the beginning of the fifth century of the Christian era, after Maštoc' had created a script, his disciples began to make translations from Greek and Syriac into their own language and to compose original works. This new development was part of the continuing effort to strengthen Christianity in the country and was actively supported by both king and patriarch. However, within a generation the Arsacid monarchy had been abolished [427/8], and cultural life was now dominated by ecclesiastical interests. Pre-Christian traditions were deliberately ignored or suppressed; though the influence of nearly a millenium of existence within the greater Iranian orbit continued to affect Armenians, consciously or unconsciously.⁴

The internal political situation in the early fifth century had two significant consequences for the status and practice of law. In the first place, the abolition of the Arsacid monarchy deprived the country of any centralised authority. No matter how tenuously the Arsacids had been able to exercise control over their turbulent barons, in theory at least a king did function as the final authority in legal disputes. The nobles had always exercised unfettered control over their estates, great or small. Their dispensation of justice reflected local customs. But now there was not even a remote possibility of legal coherence or of the consolidation of a national code.

The only institution which had wider jurisdiction in its own affairs than the heads of the noble families on their own estates was the church. At first the chief bishops of Armenia had been members of the Pahlavid family of Gregory the Illuminator, Armenian ecclesiastical organisation being modelled on the local structure of society where high offices were hereditary in certain families. Sahak, the supporter of Maštoc', and himself a learned man who had played a

⁴ The prime source for the invention of the script is the biography of Maštoc' by his pupil Koriwn. There is a full bibliography in the latest translation by Winkler. For the history of Armenia and the Armenian church in this period see the general surveys in Hovannisian and Dédéyan; for social conditions Adontz/Garsoian and Toumanoff. For the history of the church see Sarkissian and Garitte, *Narratio*. For more recent bibliography see Garsoian-Mahé, *Formation de l'identité arménienne*, esp. for the Iranian background.

major role in the translation of the bible, was the last patriarch to be directly descended from St. Gregory. Thereafter promotion to this position was by election, in which both clerics and nobles played a role. The interests of wider groups beyond an individual family could thus now be brought to bear on elections, while the one elected exercised wider authority than the head of any one family.

More importantly, by summoning councils and drawing up canonical regulations to which all bishops had to subscribe, the patriarchs were able to bring some uniformity to church affairs in Armenia. For various reasons, theological, political and social, the Armenian church was never a monolithic unity. Nonetheless, canon law was applicable throughout the country. And canon law was a written code, easy of access. On the other hand, in secular affairs legal practices differed from province to province, and the local traditions were unwritten. Judgment for similar offences in different parts of Armenia could not be standardised.

As time passed the codification of Armenian canon law progressed. St. Gregory had sent his son (and successor) Aristakēs to the council of Nicaea in 325. According to the later historian known as "Agat'angelos," whose somewhat fabulous account of the conversion of Armenia became the accepted tradition, Aristakēs brought back the canons of that first ecumenical council. Agat'angelos adds: "Then saint Gregory made additions to these illuminating canons, rendering his own see of Armenia still more glorious."⁵ Our historian, writing long after the invention of the Armenian script, cannot be regarded as a reliable witness to events of the early fourth century. But it is interesting that in his own time he presumed that from the earliest days the Armenian church had possessed canons appropriate to Armenian circumstances.

Another historian writing long after the event, the anonymous author of the *Buzandaran*, describes the numerous councils summoned

⁵ Agat'angelos, Aa §885. The text of Agat'angelos as it has come down in Armenian reflects a later stage in the elaboration of the traditions concerning the work of St. Gregory and the conversion of Armenia. There are translations into other languages with divergent versions of events. Aa refers to the Armenian text of "Agathangelos." For the sigla used to distinguish the numerous versions see Garitte, *Agathange*, 1-19. The differing versions have been summarized in the Introduction to the English translation by Thomson, *Agathangelos*. See also Winkler, "Our Present Knowledge," and van Esbroeck, "Saint Grégoire d'Arménie."

by the later fourth century patriarchs. Nersēs I, for example, is said to have summoned a council at Aštišat (the first patriarchal see of Armenia, before it was transferred to Vałaršapat) in order to set down canonical regulations.⁶ Such rules must have been written in Greek or Syriac. The first recorded translations into Armenian of Greek canons were those made by Eznik and Koriwn, pupils of Maštoc', which they brought back from Constantinople in the 430s;⁷ while the first surviving canons originally written in the native tongue are those of the council held at Šahapivan in 444.⁸

Eventually the translated and original canons (including apocryphal ones attributed to the patriarchs Gregory and Sahak) were brought together in a formal collection by John III Ojnec'i, Catholicos 717-728.⁹ Yet despite the fact that nobles continued to participate in church councils, the canons remained strictly concerned with ecclesiastical affairs. Offences against church discipline or doctrine carried penalties. These might include fines, but were primarily of a spiritual nature – exclusion from the sacraments and suchlike. Sentences were carried out by bishops or designated priests. Lay lords were not involved, nor were secular affairs included in the written rules.

This ambiguous symbiosis of clerical and lay jurisdiction lasted many centuries. The nobles did not clamour for codification of local practices, though written documents carefully preserved the order of their dignities;¹⁰ nor did the church authorities attempt to legislate for them. The presence or absence of a monarchy did not much affect the situation. Only when Armenian communities found themselves un-

⁶ *Buzandaran*, IV 4. The English translation by N.G. Garsoian has a valuable commentary and appendices.

⁷ Koriwn, ch.19.

⁸ The text of the canons may be found in vol. I of the *Kanonagirk'*; There is also a separate edition by Akinean; see Bibliography. To date there is no translation of the original Armenian canons into a western language. Mercier's translation, "Les canons des conciles," published posthumously by Mahé, is confined to the Armenian version of Greek texts.

⁹ For John's activity see the recent studies by Mahé, "L'église arménienne," esp. 478-86, and "Le rôle et fonction du Catholicos." John's collection forms volume I of Hakobyan's edition of the *Kanonagirk'* [lit. "book of canons"]; vol. II contains canons collected later.

¹⁰ For these lists of precedence, known as *gahnamak*, see Adontz/Garsoian, Appendix III.

der foreign, more especially Muslim control, did the absence of a secular code suddenly become a serious drawback. Armenian church administration continued under foreign domination. But when there was no longer a local lord to legislate along traditional Armenian lines and define customs which had been passed down orally, then Armenians had to look elsewhere for the administration of justice. Two rather different solutions were attempted at opposite ends of the country in the late twelfth century.

In the north-east, following the Seljuq invasions of the 11th century, a number of tribes of Turkish origin, mostly nomadic, had moved into Armenia. Their holdings were fragmentary and scattered, but many Armenian lords lost control of their hereditary lands. In the second half of the century the Georgians extended their control over central northern Armenia, but further east the emirs of Ganjak ruled over a significant Armenian population.¹¹ Muslim emirs permitted Christians to conduct their own affairs according to their own legal system. But in the absence of a legal code, disputes had to be adjudicated in Muslim courts. It was precisely to prevent this practice, which some Armenians abused to personal advantage, that Mxit'ar undertook the task of compiling a Lawcode based on Armenian practice. His work, in many later adaptations, formed the basis for Armenian legal tradition both in Armenia itself and in the diaspora.

In the south-west, on the other hand, different circumstances elicited a different response. Armenians had been moving into lands west of the Euphrates river by the late tenth century, as the Byzantine empire recovered lands earlier lost to the Muslims. The Turkish invasions of the eleventh century gave an added impetus to emigration towards the west and south-west. By the early twelfth century a large Armenian presence had formed in the mountains of Cilicia, where the Armenians made contact with Crusaders on their way across Anatolia to the Holy land in 1097. Gradually they expelled the occupying Byzantine forces and settled on the Cilician plain. By 1199 their leading prince, Leo of the Rupenid line, had been elevated to royal status by the Holy Roman Emperor.¹²

¹¹ For Armenia in this period see Minorsky, and more generally, Dédéyan and Hovannisian.

¹² For this expansion into Cilicia see Der Nersessian, "Kingdom."

In this multi-cultural area on the edge of the Mediterranean the Armenians were not deprived of a certain autonomy, despite the presence of Muslim Turks, Syrian Christians, and Frankish newcomers. Yet here too the Armenian archbishop of Tarsus, the noted scholar Nersēs of Lambron, was concerned that his fellow-countrymen, lacking a legal code of their own to settle quarrels, were often subject to Islamic law. To solve this problem he proceeded to translate Byzantine legal texts. These, in the original Greek or in Syriac versions, were more easily available in Cilicia than in eastern Armenia, which had never been part of the Byzantine empire.¹³

Although there were well established Armenian principalities in Cilicia, Nerses did not resort to them in his quest for sources of legal tradition. The reason may well have been that these princes were unfamiliar with old customs. Despite later attempts to devise a grandiose pedigree from the Bagratid monarchs, the Rupenids were of obscure origin and self-made men.¹⁴ They had not brought to Cilicia an inbred knowledge of traditional law as practised in historic Armenia.

The code of Mxit'ar and these translated Byzantine texts were soon brought together in legal compendia.¹⁵ From these collections the later Cilician adaptation of Mxit'ar by Smbat the Constable and his rendering of the French *Assizes of Antioch* were excluded, no doubt being considered less relevant to traditional Armenian concerns.¹⁶ But the later fortunes of these texts are not our present concern. Let us return to Mxit'ar and investigate in greater detail the formation of his Lawcode, emphasizing his motivation and the way in which he adapted his materials to his purpose.

His work is primarily directed to issues that he thought practical in the circumstances of his late-twelfth century environment, namely matters of communal life rather than broad political organisation. He had a double task: the *de*-scriptive aspect, that is, the codification of traditional Armenian practices; and the *pre*-scriptive aspect, the for-

¹³ For these translations see the first part of Kaufhold, with quotations from the colophons describing the work of Nersēs.

¹⁴ For later propaganda see Der Nersessian, "Kingdom," p.332.

¹⁵ For example, in Bzommar 180, written before 1240 AD, the first part contains Mxit'ar's code, the second part the Syro-Roman code; description in Kaufhold, p.23.

¹⁶ See the lengthy study of the manuscripts in Kaufhold.

mation of rules where no Armenian authorities, or at least written texts, existed to offer guidance.

Mxit'ar's Life

Mxit'ar figures quite prominently in the *History* of Kirakos of Ganjak, who knew of him from his own teacher, Vanakan vardapet.¹⁷ Vanakan, born in 1180, had studied in his own early years under Mxit'ar at the monastery of Nor Getik, where Mxit'ar died in 1213, and was thus in a good position to provide details about his teacher. According to Kirakos, whom one might call a spiritual grandson of Mxit'ar's, the latter was born in Ganjak in Caucasian Albania of Christian parents who gave him instruction in the holy scriptures.¹⁸ On reaching adulthood he was ordained a celibate priest, and after serving in that capacity for some years he desired to become more learned in scripture and its interpretation. He encountered the vardapet Yovhannēs, called Tawuṣec'i [i.e. from Tawuṣ, northeast of Lake Sevan, as was Vanakan too], and with him Mxit'ar stayed many years. This Yovhannēs, says Kirakos, was peripatetic,¹⁹ travelling around from place to place preaching the word of God and teaching men to follow a good life. Such wandering holy men had been a feature of Armenia from the earliest days of Christianity there. A prominent example would be Maštoc' at the turn of the fourth and fifth centuries; while the *Buzandaran* has numerous descriptions of such men earlier in the fourth century. In the twelfth and thirteenth centuries several of the famous scholars of the time were far from being permanent residents of a given monastery; rather, they went from monastery to monastery, staying for a time and teaching, then moving on. From Yovhannēs Mxit'ar received the title of *vardapet* or teacher. This was a position unique in the eastern churches reserved for Armenian celibate priests involved in scholarship. The prime qualification for that rank was expertise in the exe-

17 Kirakos entitles his ch.13: "Concerning the vardapet Mxit'ar, whence he was and what sort of person." Page references to Kirakos are to the pages of the Melik'-Ohanjanyan edition; these are reproduced in the margins of the (incomplete) English translation by R. Bedrosian which has circulated in typescript. For Mxit'ar's life see Mécérian and Oskean.

18 Kirakos, p.207.

19 Kirakos, p.208, *šrjagay*.

genesis of the scriptures. Mxit'ar has much to say about the duties of vardapets in his Code.²⁰

Kirakos does not inform us where Mxit'ar studied with Yovhannēs. Since he says that he spent some years in his company and in that of others, one may assume that Mxit'ar was one of the band of disciples who followed the peripatetic Yovhannēs on his travels. In any event, Mxit'ar was not satisfied with what he had learned from Yovhannēs, so he went west to the Black Mountain and to the vardapets who were teachers there. The Black Mountain overlooks the Mediterranean sea south-west of Antioch, and had long been a famous monastic retreat.²¹ By the second half of the 12th century the communities of Greek, Georgian, Syrian, and Armenian monks already ensconced there had been joined by Latin monks, and it was in this region that Nersēs of Lambron found several texts, both Greek and Latin, not yet available in Armenian translation.²² Mxit'ar did not disclose that he had already been admitted to the rank of *vardapet*, and gained much profit from his stay on the Black Mountain; though Kirakos does not say how long he spent there or with whom he may have studied.²³

For unexplained reasons Mxit'ar returned to his homeland by a circuitous route, stopping for a while in Karin in north-western Armenia, the modern Erzerum. There he made the acquaintance of a prince called K'urd, who befriended him as a father. At that time K'urd, from the region of Kayean, which is directly to the north of Lake Sevan, was alienated from the Georgian king. Kirakos explains elsewhere that despite his loyalty to Giorgi III [1156-1184], he had been disgraced. However, in the reign of Giorgi's successor, queen T'amar who came to the throne in 1184 [d.1213], K'urd returned to his Armenian patrimony and was to play an important role in Mxit'ar's later career.²⁴

After Mxit'ar returned to Armenia his fame spread and numerous pupils came to study under him. Again Kirakos does not say where Mxit'ar was active, but merely that he was oppressed by the Muslims.

20 See "Vardapets" in the Appendix.

21 See Djobadze.

22 For Nersēs' life and work see Akinean.

23 Kirakos, p.208.

24 Kirakos, p.209.

He was perhaps back near his birthplace Ganjak, then under the control of a Turkish emir. But help came from the Catholicos of the Aḡank', Step'annos, who induced him to move to Xač'en, which is south of Ganjak and to the east of Lake Sevan; there Vaxt'ang prince of Haterk' and his brothers received him with honour. He stayed some years, during which time his old friend K'urd was restored by queen T'amar to his patrimony in Kayean.

On hearing this news Mxit'ar came to him on account of their former mutual friendship, and dwelt in the nearby monastery of Getik on the river Aḡstew, or Akstafa, which runs north to the Kura. The abbot at Getik happened to be a former pupil of his, the vardapet Sarkawag, and here Mxit'ar stayed for a long time; though unfortunately Kirakos does not provide us with dates. At the end of the 1180s the monastery was damaged in an earthquake, and its church so ruined that restoration was impossible. At first the monks were inclined to scatter, not only because of the destruction of their church but because there were troublesome disputes with their neighbours. A local prince, Sargis by name, had moved the site of his village to the vicinity of the monastery and many disagreements ensued.²⁵

However, Mxit'ar prevented the monks from dispersing. They needed a new site and sponsorship to rebuild the monastery, and for this Mxit'ar turned to Iwanē Mxargrjeli, one of the nephews of his friend K'urd. Iwanē and his brother Zak'arē were in the service of the Georgian queen T'amar, and in his *History* Kirakos describes Zak'arē's conquests in northern Armenia and his success against the Muslims. The two brothers were probably of Kurdish origin, though the family had been converted to Armenian orthodoxy by the beginning of the 12th century and had served Armenian lords in Tašir. After their conquest of Ani in 1199 queen T'amar gave them the city as a fief, but before that date Iwanē had established himself near Lake Sevan and controlled Kayean, part of K'urd's patrimony. He was therefore the greatest local magnate with whom Mxit'ar could claim some affinity, despite the fact that Iwanē had accepted the Georgian Chalcedonian church while his brother had remained true to Armenian orthodoxy.²⁶

²⁵ Kirakos, p.210.

²⁶ For the careers of these brothers see Minorsky, p.101-4, and Hovannisian, I, p.253-4. Cf. Kirakos, ch.4: "Concerning the princes in Eastern Armenia Zak'arē and his

Mxit'ar and his monks presented their request and Iwanē bade them find a new site. They chose the Valley of Tanjut, well watered and wooded, off the river Ałstew. Kirakos gives some details about the first, wooden church and other buildings of the new monastery, and notes that the main church was begun in 1191, four years after Salahaddin had recaptured Jerusalem from the Crusaders, and was completed in five years' time.²⁷ That year, 1196, was memorable for the controversy between Greeks and Armenians over the date of Easter, which gives Kirakos an opportunity to describe at length the miraculous fire of Holy Saturday at the Church of the Holy Sepulchre in Jerusalem, vindicating the Armenian view.²⁸ He then returns to the new monastery, known as Nor Getik, its endowments, and the various local princes who supported its construction.

Kirakoş mentions several noted pupils of Mxit'ar's, notably his own teacher Vanakan with whom Kirakos had studied in the area of Tawuś, whence Mxit'ar's teacher Yovhannēs had come long before.²⁹ Kirakos notes that before his death Mxit'ar secured the succession of leadership at Nor Getik, and mentions a testament in which he entrusted the monastery to Iwanē before his death, which occurred when he was "full of years," in the year 662 of the Armenian era, i.e. 1213. In later years Nor Getik was known as Gošavank' after its founder, though Kirakos does not use that name. He merely records a story about servants of the monastery, who called themselves servants "of Goś," describing how a certain Georgian, who had insulted the memory of Goś, was struck dumb.

Following his long description of Mxit'ar's work at Getik, and then Nor Getik, Kirakos gives the titles of several works that Mxit'ar left, not only as a monument to his memory, but as a help to the lovers of wisdom. These are all strictly theological, in line with Kirakos's own interest in and emphasis on ecclesiastical and liturgical matters.³⁰ He

brother Iwanē," p.162-6. For their different religious affiliations see Kirakos, p.166. Their sculpted figures at Harišavank' are reproduced in Mnac'akanyan, plate 38.

27 Kirakos, ch. 14: "Concerning the building of the monastery of Nor Getik, p.211-16.

28 For such disputes see Sanjian, "Crazatik."

29 Kirakos, ch.16: "Which were those among his pupils who became prominent," p.217-19.

30 Kirakos, p.221, refers to a Commentary on Jeremiah, Canons on the body and blood of Christ, Lamentations on Nature, an Exposition on the orthodox faith

does not mention the Lawcode. But this is not necessarily significant, because the Code was begun in 1184, when Mxit'ar was in Xaç'en and before he was associated with the monastery of Getik. For information about the Lawcode we have to turn to Mxit'ar's own introduction to that text.

The Lawcode

Mxit'ar states quite explicitly that he embarked on this enterprise in the year 633 of the Armenians (which began on 4 February 1184 AD), when the Armenian kingdom was in abeyance.³¹ Prince Ruben [III] was ruling in Cilicia, whence Mxit'ar had returned to Armenia not long before; and the local prince was Vaxt'ang of Haterk', whose welcome to Mxit'ar is also mentioned by Kirakos. Grigor [IV, known as Tlay] was Catholicos of Armenia, and Step'annos was prelate of Aḥuank'. Mxit'ar was at the time in the monastery of Hromašēn, the precise location of which is not known.³² The Code was not completed "all at once," but Mxit'ar gives no hint as to the precise length of time it took him. The original idea was Mxit'ar's own, and he gives a series of reasons why such a work was desirable. He also mentions the encouragement he received from the monk Paul, another devotee of holy scripture, and especially the urging of the Catholicos of Albania, Step'annos. It was Step'annos who had earlier encouraged Mxit'ar to move to Xaç'en, as Kirakos had noted. We do not know for how long before 1184 the plan had been maturing in his mind. At first, says Mxit'ar, he had intended to persuade other, more competent persons, to carry out the project but did not wish to importune them. This, however, may be a literary artifice.

In any event, his motivation stemmed from the fact that the Armenians of his time did not have a written legal code, and therefore those who wished to settle any legal question had to have recourse to outsiders. Here Mxit'ar uses the term *aylaser*,³³ which he

against all heretics, and Letters of advice. Note also the "Albanian Chronicle," published by Dowsett. For a more detailed listing see Oskean, p.145-92.

31 The following details are given at the end of Mxit'ar's own "Introduction, *nax-adrut'iwn*;" for the date see p.25. All references to pages of the Code are to the pages of T'orosyan's edition, which are reproduced in **bold** in the following translation.

32 For a useful gazetteer of Armenian monasteries see Thierry, *Répertoire*.

33 P.23. This is a variant of the more common *aylazgi*, "one of a different azg [tribe, nation], foreigner, outsider." See further below, "Mxit'ar and the Muslims."

glosses as "unbeliever." He clearly has in mind, not Greek or Georgian Christian courts – hardly accessible for the majority of Armenians, anyway – but Muslim authorities, who would insist on litigants using their own written traditions as "peoples of the book." This reason appears as number seven in Mekhit'ar's list of twelve. Twelve is a significant number, in terms of both biblical parallels and mathematical number symbolism. But although one has the impression that Mxit'ar has expanded his reasons to fit his pre-chosen total, the other reasons are worthy of attention. Several of the points he makes here reappear later in the Code.³⁴

1. The Gospel is the fulfilment of the Old Testament Law and the natural law. Yet Christ did not hand down a code in writing like that of the "imperfect," i.e. the Jews. Indeed, he urged that we conduct our relationships with each other in a spirit of love and sympathy. Furthermore, details of the Law, the Prophets and the Gospel are not inflexible, but change according to people and country. [This is a point Mxit'ar stresses elsewhere.] In addition, a legal code requires oath-taking, but the Lord prohibited swearing. Because we have no written legal code, Armenians are at a disadvantage with regard to Muslims. But on the other hand, anyone wishing to compose such a code would be blamed on the grounds that a code could not be in conformity with the Gospel. This last point is refuted by two considerations, says Mxit'ar. First, it misunderstands Christ's purpose in the Gospel, and secondly the human race did not wish to live in equality and harmony. So objections to a code are overcome.

2. The second reason is related to this last point. Since mankind was overcome by evil, so that mutual love and perfection of the soul became impossible, so also was the natural law in us extinguished. Therefore a code is justified.

3. Mankind is not only evil but lazy, and therefore did not pursue the study of the Law, the Prophets and the Gospel. A lawcode will arouse our minds from sleep.

4. The expertise to test the application of the rules in the Law, Prophets, and Gospel in differing circumstances has vanished. Therefore a written code will act as guide.

5. The Holy Spirit does not operate now, and the Law is no longer in our hearts. The Apostles did not write down the Gospel until it was

³⁴ For these twelve reasons see p.2-4.

necessary – i.e. after the passage of time, not at the beginning of the church's existence. Being concerned with more urgent matters, they allowed people to live under natural law and civil discipline. But now the errors of everyone require the writing down of what was once in men's hearts.

6. Despite the Lord's prohibition of oaths, swearing is now commonplace even in the most mundane circumstances, inside the court and out. Therefore we need a code to regulate the legitimate occasions for taking an oath.

7. A code is needed to prevent Christians going to infidel courts, which is the main point already noted.

8. Right judgment, even within the Armenian community, is often perverted through bribes and partiality.³⁵ Therefore we need a code to correct such wrong practices and to reprove those who commit them.

9. Mankind is not only evil and lazy, it is forgetful. Therefore a book which we can take in our hand will enable us to recall the right law for any particular situation. Furthermore, and here Mxit'ar returns to his main point, a book is a tangible object which indicates to foreigners that we live by a code, so they will no longer reproach us.

10. Mankind, as a consequence of creation, is corporeal, yet judgment is through the Spirit. Corporeal persons effect the judgment of our bodies, hence a written code assists the body. This obscure reasoning recalls Mxit'ar's fifth argument concerning the operation of the Holy Spirit. Our weak flesh needs a corporeal aid.

11. The written code will be a reminder of the final judgment to come. Hence through fear of that heavenly tribunal judges will be spurred to judge rightly.

12. This leads to the final argument, that those brought to court will also act rightly and not attempt to justify falsehood or to deceive their judges – as now they often do! At the final judgment there will be no possibility of evading justice or of deceiving God.

These reasons point to the existence of legal systems which Mxit'ar considered inadequate for his own time. Natural law, now obscured by human vice; the Old Testament Law, now superseded by the

³⁵ Examples of rhetorical attacks on injustice in Armenia are not difficult to find. Cf. Movsēs Xorenac'i, III 68, with its attack on judges; or T'ovma Arcruni, p.115, on the decline of justice.

Christian dispensation; and even the Gospel, the application of which he suggests may vary from country to country. The time had come to set down a specifically Armenian code. For not only does the Holy Spirit no longer guide Christians in the regulation of their lives, they have also fallen under the authority of foreign races and are obliged to conduct their affairs by alien laws. Since it is not right for believers to go to the court of unbelievers, Mxit'ar next sets out the sources from which he will derive his own code.

Mxit'ar's Sources

He begins with natural law.³⁶ Although he omits any reference to specific books or traditions, Mxit'ar does note that the pagans had learned to condemn thieves and murderers and all evil-doers. In second place come the Muslims. They have accepted what pertains to the natural laws, and that we Christians accept as well, sometimes recognising what is in their law as the fulfilment of the Gospel. But we do reject their "vicious" additions. Mxit'ar refers to Muslims quite frequently. The term *aylaser* was noted above, but far more usual is *aylazgi*, "foreigner, outsider," a word taken from the Armenian Old Testament where it is used of the Philistines. It became the standard Armenian expression for Muslims. Mxit'ar's main concern is that Armenians should avoid contact with these "outsiders" as much as possible.³⁷ As his third source Mxit'ar states that "we collect from all nations which believe in Christ whatever may be appropriate." But again he does not specify particular points of law, even if on occasion he later refers to Greeks and Georgians.

There are two written sources which form the backbone of his own work: the bible, especially the Mosaic law of the Pentateuch, and the canons of the church. Mxit'ar used primarily the collection known as the *Kanonagirk'*, but he also quotes (though usually less exactly) sections of David of Ganjak's *Penitential*. Such Penitentials, or guides for those in charge of dealing with infringements of church practice,³⁸ described the penalties under ecclesiastical discipline to which sinners

³⁶ Ch.10 of his Introduction, p.22-4.

³⁷ See the separate section "Mxit'ar and Muslims" below, p.47-57.

³⁸ See the Introduction to the volume of translation in Dowsett's edition. Another example is the work of Movsēs Erznkac'i, "Advice on Confession," also published by Dowsett.

were subject before they could be readmitted to fellowship and communion with their fellow parishioners. Problems of this nature were relevant to Mxit'ar's concern with discipline at the community level: criminal acts such as murder, theft, or abduction; or disputes involving land and property; questions of inheritance and the division of family property; or impediments to the marriage of closely related couples.

From all the books of the Old and New Testaments, says Mxit'ar, we have not only commandments from God, but also advice for the making of judgments.³⁹ The church's canon-law, on the other hand, is a continuously developing corpus. He explains: "Just as the canons were not laid down at once nor at one time nor by one person, but gradually and at many times and by many people ... in like fashion it is appropriate for this book of law to be composed."⁴⁰ Canon law has "potentiality" for further development.⁴¹ Likewise Mxit'ar's own work is not a final document. It is the beginning of a longer process; it can be made appropriate to different circumstances, and material from many other sources can be added to it. Mxit'ar thus gives a general indication of principles, from which the application of details may be worked out.⁴²

What is the relationship between canon law and secular law? According to Mxit'ar they are complimentary aspects of a larger whole. Man is composed of a soul and a body. Canon law is the director of the soul, and secular law the director of the body.⁴³ The two types of law can be logically distinguished, but in many respects they are united. They act with a single intention. Canon law aims at diminishing sin; secular law at curtailing evil. Their common purpose is to make men compassionate and to confirm mutual love. In both, the decision of the matter at hand is to be made by experts.⁴⁴ And both have their own sanctions: excommunication in canon law is the equivalent of imprisonment or corporal punishment for secular offences. The just and the honest have no need of either kind of law.

³⁹ Mxit'ar, p.23. For his blocks of OT quotations see further below.

⁴⁰ P.23.

⁴¹ P.23, *zawrut'iwn*, the standard rendering of the Greek *dunamis*.

⁴² P.77, 146.

⁴³ P.5.

⁴⁴ P.2, 6.

A lawcode as such will not prescribe penance for crimes involving the body. Indeed penance would be too light a punishment where a severe fine might be necessary – as, for example, if a husband kills his wife because of her adultery.⁴⁵ The Lord commanded divorce in such circumstances, says Mxit'ar, not killing. The guilty party in a divorce is subject to penance; but the guilty party in a case of homicide has to pay the fine of blood money. Conversely, although statutes impose fines for transgressions, penance is not thereby abolished.⁴⁶ However, sometimes penance is the only sanction that can be applied. If an offence is committed in secret, fraud, for example, or if the guilty party cannot be identified but the offender admits his guilt in confession, then the priest can only impose penance, not a fine or imprisonment.⁴⁷

It is hardly surprising, in view of Mxit'ar's own training as a *vardapet* – and thus in the study and interpretation of scripture⁴⁸ – that he should devote a great deal of attention to the scriptural basis for the statutes in his code. He frequently turns to the problem of understanding the Old Law in terms of the New. Are individual Mosaic commandments to be accepted literally, or are they merely a guide to judgment – to use a phrase applied by Mxit'ar to the bible as a whole?⁴⁹ He offers no discussion of the question in abstract terms, though naturally his general attitude is that the new dispensation of Christ is the fulfilment of the old. But on several occasions he does make specific comments about individual Old Testament regulations, sometimes accepting them as valid for the present, sometimes contrasting them with what Christians should do, and sometimes adapting them. A few illustrations may be useful here, even if Mxit'ar did not develop any general theory.⁵⁰

When discussing the theft of deposits, based on Exodus ch. 22, Mxit'ar notes: "This statute is to be observed unchanged."⁵¹ He makes similar comments about other rules based on passages from Exodus

45 See ch.19.

46 Ch. 86.

47 See chs.105, 233, 235, 243.

48 See the separate section "Vardapets" below.

49 P.23.

50 See the Appendix "Mxit'ar and the Pentateuch" for lists of chapters where the Mosaic law is upheld and where it is adapted.

51 Ch.78.

and Deuteronomy – not excluding the question of fees payable to priests!⁵² On the other hand, if the Old Law indicates the death penalty, then this should be commuted; for there may a chance of saving the offender's soul through penance.⁵³ In the case of rape, where the Old Law decreed marriage without the possibility of divorce, Mxit'ar proposes a fine when the man and girl do not desire marriage.⁵⁴ And where Deuteronomy demanded the cutting off of a hand, here too he indicates that a fine should be imposed.⁵⁵

This commutation of penalties, not only in the context of Christian attitudes to Mosaic legislation, but even in personal terms with regard to canon law, is often specifically called *nerumn*, "concession." This is equivalent to the concept of *oikonomia* found in patristic writers, namely the consideration of special circumstances, accommodation to the situation, or a prudent discretion. The Armenian term is found in I Cor. 7.6, where the apostle Paul is discussing marriage and offers advice, not giving a command but condescending to human weakness: *kata syngnomēn, ou kat' epitagēn*. Mxit'ar frequently echoes this attitude, offering advice not commands. Such indulgence is a feature of penance, where mercy is shown for transgressions deserving a fine.⁵⁶ And the term can also be applied to the revision of an Old Testament precept in a Christian sense: for instance, that if a Christian marries a foreign captive he must first baptise her.⁵⁷ *Nerumn* can also be rendered as "clemency," as in cases of involuntary homicide.⁵⁸ Or if there are differing canonical rules for the same problem, then either may be applied "as a concession;" and the same applies if a statute is of dubious authenticity.⁵⁹

Before we turn to Mxit'ar's assessment of his own role in the formation of a code, some discussion of the way in which he quotes

52 Ch.106.

53 Ch.27. Spiritual concerns were paramount for Mxit'ar. His principle of "concession" [see just below] and the relaxation of retaliatory practices prescribed in the Old Testament both aim at encouraging repentance.

54 Ch.29.

55 Ch.131.

56 Ch.86.

57 Ch.110.

58 Ch.233.

59 Ch.167, 187.

from his sources may be helpful. His method is rather curious and deserves attention.

The Code is divided into 251 chapters of varying length.⁶⁰ But the topics discussed are not arranged in any apparent order, and the same topic may appear more than once. Mxit'ar did have a method, but it was a method based on the use of written sources in a special way, not a method aimed at presenting a coherent summary of legal problems and their solutions. He begins in a logical enough fashion, with a discussion of the roles of judges, secular leaders, and ecclesiastical leaders.⁶¹ He then plunges straight into marriage and divorce, followed by questions involving children. Between the last statute of the section on marriage and the first of that on children – both of which deal with murder – are found two short chapters on princes and peasants which have no relation with the other material. These first 27 chapters of the Code have no clear sources, though some parallels may be found in later chapters which have been taken directly from the Old Testament or from canons in the Armenian *Kanonagirk'*. From chapter 28 to chapter 228 statutes follow in confused sequence, sometimes in blocks dealing with related topics, sometimes apparently at random. The final 23 chapters recapitulate many of the points already discussed and have no common thread.

Yet there is a pattern to that main block of 200 chapters, for Mxit'ar used his sources *seriatim*, and did not pick and choose among his written sources to support a structure carefully thought-out in advance. The identifiable quotations, usually given more or less verbatim with a following discussion by Mxit'ar himself, come from only three sources: the Old Testament,⁶² the *Kanonagirk'*, and the early twelfth century *Pentitential* by Dawit', son of Alawik. For the most part, Mxit'ar takes blocks of material at a time from various chapters of the Pentateuch or from the canons of different councils and au-

⁶⁰ The secondary recension, published by Bastameanc', has a total of 254 chapters in the two sections. See the Table of Correspondence below.

⁶¹ Ch.1, 2, 3 after his "Introduction."

⁶² For his selection of OT quotations MG did not follow the Greek *Nomos Mosaikos*, translated into Armenian by Nerses of Lambron; see Kaufhold, *Übersetzungen*. There is some overlap of material quoted, though the *Nomos Mosaikos* is confined to the biblical text and does not offer comments as does Mxit'ar. But the order of quotations is totally different, and many of the chapters in the *Nomos* are not found in MG: 2, 4, 8, 17, 26, 28-43, 46-48, and Appendix: 1-2, 8-9.

thors. So the confused order of his presentation is doubly compounded: first he offers only a selection of topics from his source; and then he groups his sources in the order in which he found them, not by subject. It is as if he took up one by one his Old Testament, his *Kanonagirk'*, and finally his copy of Dawit's *Pentitential*, and copied out a selection from each. A brief summary of the sources will thus show a greater coherence than a brief summary of the contents of the Code. Given Mxit'ar's procedure, and the fact that normally he does not identify his sources, his occasional addition of extra material of his own and changes in the order of his sources pass unperceived.⁶³

Chapters 1-27 have already been discussed. We shall concentrate here on the main block of 200 chapters [28-228].

Nos 28-30, on marriage, come from Deuteronomy, ch.22.

Nos 31-35, concerning villages and peasants, are by Mxit'ar and not from an identifiable written source.

Nos 36-53, on church matters, are taken from the *Kanonagirk'*. What is important here, as with all Mxit'ar's quotations from the Armenian book of canon-law, is that he makes his selection from the canons in the order in which they appear in that book. That is, he chooses a few canons in sequence but not necessarily ones immediately following each other; and he also follows the order of the collections of canons as found in the *Kanonagirk'*. So for these 18 chapters he includes canons 24, 25, and 26 of the Apostolic Canons; numbers 38, 39, 54, 61, 63, 67, 68, 69, 70, 75, 76, and 78 of those attributed to Clement; and numbers 1, 4, and 15 of the canons attributed to the Post-apostolic Fathers. These are the first three collections in the *Kanonagirk'* (which of course has the full text, not the selections found in Mxit'ar).

Nos 54-104, dealing with secular matters, primarily of agricultural concern, and ending with inheritance, are based on Exodus, Leviticus, and Numbers. Here Mxit'ar does add a few chapters of his own. Nos. 68-72 on farm animals is a development of what had preceded. No. 75 on robbers of churches follows a chapter on thieves from Exodus, ch. 22. Nos. 84-85, on fire-setters and those who cut down plants, are not in their logical place. Whereas nos. 93-100, which deal with mills and the sale of animals, and nos. 103 and 104 on inheritance, are a development of what had preceded.

⁶³ See the Appendix of Sources for a conspectus of the blocks of material used by MG.

The next block, nos. 105-131 on a variety of topics, reflects the varied subjects of Deuteronomy. The topics come from chapters 7 and 18-25. The basis for Mxit'ar's selection is unclear.

From here onwards Mxit'ar turns to canon-law, though many of the topics had been addressed earlier. For chapters 132 to 211 he follows in order a selection of canons from: the Post-Apostolic Fathers, then the councils of Nicaea, Ancyra, Neocaesarea, Gangra, Antioch, and Laodicaea; then canons attributed to Clement, Athanasius, Basil, and Thaddaeus; then he turns to specifically Armenian councils: Shahapivan, Partaw and Dvin. There are occasional additions. No 161, on indicted bishops, comes from the Second Set of Nicene Canons,⁶⁴ and is out of order so far as the source is concerned; however, it follows three canons from Antioch which deal with the role of bishops and is thus in a logical position. Nos 180-184, dealing with inheritance, wills, and funerals, have no clear source and are quite out of place between statutes dealing with artisans who embezzle and merchants who deceive. Nos 212-218 are not from the *Kanonagirk'*. The first two pick up again questions dealing with the marriage of kin. But the next five are an odd mixture of shipwreck, swindlers, the rebuilding of villages, confirmation of sales, and dowries.

Finally, chapters 219-228 are taken from Dawit's *Penitential*, though here Mxit'ar does not quote his source quite so carefully as he does the bible or the canons. In the middle of this block is found a long chapter entitled "On the orders of the church and of the court of the king." This bears no relevance to anything in Dawit', being an attempt to correlate the orders of angels as expounded in Pseudo-Dionysius with the ranks of clergy in the church and the ranks of officials at the Byzantine court. A similar passage, though without the ranks at court, appears in the *Commentary on the Liturgy* by Nersēs of Lambron, written in 1178, thus predating Mxit'ar's Code. There is a brief parallel to the nine ecclesiastical ranks in the *History of the Aṭuank'* by Movsēs Dasxuranc'i, a text that Mxit'ar mentions by title at the end of the chapter.⁶⁵ And the later Step'annos Orbelean has significant parallels with Mxit'ar and Nersēs.⁶⁶ This source of this chapter may derive from a commentary on Pseudo-Dionysius,

⁶⁴ For this collection see below, p.30-31.

⁶⁵ P.139, but he does not name the author.

⁶⁶ The parallel passages are clearly marked in the translation below.

whose corpus of mystic theology was translated into Armenian in the eighth century.⁶⁷ Mxit'ar's own contribution is a presentation of nine ranks at the Byzantine court as a further parallel to the angelic orders.⁶⁸ This chapter is not totally irrelevant to his Code, which does concern itself with ranks in the church and their respective roles. But it was inserted at a quite inappropriate point.

Although Mxit'ar bases his code on the three main groups of sources just discussed, he rarely identifies a specific borrowing. Dawit', son of Alawik, he does not name at all; the Pentateuch is simply called the work of Moses or "the Law;" while references to individual canons are sparse. Naturally, as a learned vardapet, he is familiar with the whole range of biblical books, and in his own comments he frequently identifies a gospel, a prophet, or an apostle. But since he is so dependent on canon-law it is rather surprising that his references to councils or authors of canons are so rare. They are worth noting in brief. Mxit'ar refers by name to the Apostolic canons, those of Nicaea, Gangra, and the "despicable" Chalcedon.⁶⁹ Since the canons of this stumbling-block were not included in the Armenian *Kanonagirk'*, Mxit'ar does not quote them. The "great council," for him is Nicaea, i.e. the council of 325 summoned by Constantine, whose connection with king Trdat and Saint Gregory the Illuminator is such a major feature of Armenian tradition.⁷⁰ However, when quoting a Nicene canon by number, Mxit'ar is in fact referring to the "Second Nicaean" canons, *Kanonk' erkrord Nikiakank'*. These are not the canons of the council of Second Nicaea, held in 787, which ended

⁶⁷ For the translation by Step'annos of Siwnik' see Thomson's edition, *The Armenian Version*. The Armenian commentaries are unpublished. The earliest is by Hamam of the tenth century. A copy written in 1181 AD is contained in Matenadaran 6362. For brief notes on the influence in Armenia of these works attributed to the Areopagite see Thomson, "The Armenian Version of Ps.-Dionysius."

⁶⁸ Only Smbat, ch.60, follows MG here.

⁶⁹ P.23, 96.

⁷⁰ P.89, 90. MG was not unfamiliar with Agat'angelos, and he refers to the "thrice-blessed" saint Gregory and Trdat in connection with the inheritance of the church, p.120. It is therefore most odd that in ch.156 he speaks of the Armenian absence at this council, since the attendance of Gregory's son Aristakēs is stressed by the Armenian version of Agat'angelos. The earlier recension known via Greek and Arabic versions does not mention the visit of Aristakēs to Nicaea or his bringing back the canons of that council; see Garitte, *Agathange*, p.331-2.

the first stage of the Iconoclastic controversy. They are a collection of fourth century canons brought together at a later date and included in the second part of the Armenian *Kanonagirk'*, a post-eighth century compilation. Mxit'ar also quotes by name canons attributed to Gregory the Illuminator and the patriarch Sahak,⁷¹ and he refers several times to canons by saint Basil of Caesarea, both in general terms and individually. He even doubts the authenticity of one canon attributed to Basil, again a canon found in the later second part of the *Kanonagirk'*.⁷²

In his own comments to the statutes that he quotes – from the bible, the *Kanonagirk'*, or Dawit' – Mxit'ar draws on a broader range of texts. In addition to the canonical books of the bible he is familiar with texts commonly called "apocrypha," the Infancy gospel, for example, and also traditions about Noah's daughter.⁷³ He can quote hagiography where appropriate, such as the Lives of Kirakos and Epip'an.⁷⁴ He refers to the Greek Father John Chrysostom, and reconciles an argument concerning the marriage of close kin attributed to John with the words of the gospel.⁷⁵ He uses without acknowledgment two of the great historians of Armenia's past, Agat'angelos and Movsēs Xorenac'i, names Elišē and the *History of the Aṭuank'*, i.e. that by Movsēs Dasxuranc'i, and is familiar with legends about Alexander the Great.⁷⁶ But all in all, this is not a wide spectrum of all the sources which might have been relevant to his purpose.

If we include the chapter on ranks in the church and court which, in the main as noted above, is not an original text composed by Mxit'ar, then the range of sources is increased. This chapter is based on Dionysius the Areopagite's views concerning the angelic hosts and the ranks in the church. Its author knows certain views of Origen's,⁷⁷ a Greek father rarely mentioned in Armenia, though he does not

71 P.36, 92, 116.

72 P.33-4. 102-3. For MG's doubt see p.109; but other canons from this "Second Set" in vol. II of the *Kanonagirk'* arouse no suspicions.

73 P.14, 28.

74 P.13, 109.

75 P.125.

76 Agat'angelos: p.120; Movsēs Xorenac'i: p.15, 28; Elišē: p.139; *History of the Aṭuank'*: p.139; Alexander, in Pseudo-Callisthenes: p.29, 129.

77 P.133.

quote him verbatim. He is also familiar with biblical readings from Aquila's Greek rendering of the Old Testament. Variants to the standard Armenian translation often appear in medieval Armenian biblical manuscripts, but are less frequently quoted by Armenian authors; though Vardan, for example, is interested in such matters in his *Commentary on the Psalms*.⁷⁸

For his code Mxit'ar was not dependent on written sources alone. As a vardapet he was not only involved in the study of scripture and the church fathers, he had pastoral duties to perform – not as a parish priest, but as an important figure in the spiritual and social life of Armenians around him. Confession was an important aspect of medieval Armenian religious life. As already noted, Mxit'ar refers to criminals who are not caught by the authorities but who confess their crimes to a priest. In such cases the only sanction open to the priest is penance, not a fine. On a personal note Mxit'ar states that it was through confession he learned of physical problems which would impede the marriage of an adult male and a girl who was still immature.⁷⁹ And he inserts several references to information he received orally: with regard to divorce, to the question of justifiable homicide if one is attacked by brigands, and to marriage between related parties.⁸⁰

Mxit'ar's own views

This brings us back to Mxit'ar's personal attitude towards the statutes and their application adumbrated in the earlier discussion concerning "concession, *nerumn*." Mxit'ar was a man of the church faced with practical problems which ran the gamut from what we might call "pastoral concerns" to matters of state. His emphasis is on the Christian community and the rules for adjudicating disputes or punishing offenders. His prime concern is for the salvation of souls, which outweighs any rigorously exact retribution for specific crimes. His Code is certainly invaluable as a historical source for many aspects of Armenian life, despite some uncertainty regarding specific details for which no corroborative evidence is available. But it is a

⁷⁸ For Hexaplaric readings in Armenian manuscripts see Cox; for Vardan's *Commentary*, Thomson, "Aspects of Armenian Medieval Exegesis."

⁷⁹ P.153.

⁸⁰ P.93, 102, 125.

very personal compilation. Mxit'ar is not just an editor or arranger of a corpus of statutes, but rather an author with his own agenda.

Throughout the Code there are some seventy interjections in the first person, though many of these are purely literary artifices and do not bespeak a personal opinion on a matter of law. The plural "we," for example, might refer to Christians, as opposed to Muslims; or the Armenians as opposed to other Christians like Greeks or Georgians. In other contexts, "we" refers to Christian canon-law as opposed to the Pentateuch. And of course, in the canons which Mxit'ar quotes there sometimes appears a "we" referring to the church fathers gathered at some council. On the other hand, many of Mxit'ar's opinions are not expressed in the first person, but introduced by comments, such as "perhaps" this or that is intended. These are just as relevant as opinions introduced by a phrase like "I think it right to do such and such," or "It is clear that."

As already noted, Mxit'ar's interests often take him into the religious and spiritual implications of the legal texts. Just as he emphasizes the importance of "concession," so also he emphasizes that he is not so much composing legislation, as offering guidance and advice.⁸¹ Not that he is worried about criticism, but rather he accepts the imperfections of his own work, just as all earthly enterprises are flawed. His Code is a beginning, not a finished monument; additions and corrections will be made in times to come.⁸² Mxit'ar does not claim the authority of a legislator. Canon law may only be made by a council of the church, and only a council may change a previous law.⁸³ But he is aware that laws made in earlier times are not always adequate for today's circumstances, and that conditions vary from place to place. Unfortunately canonical rules are not always obeyed, and Mxit'ar frequently laments the break-down of legal norms in his own time.

Sometimes, however, a council is not valid. Mxit'ar rarely involves himself in controversy, and even states: "It is in vain that the nation of the Greeks and ours calumniate each other," *a propos* of the clergy eating meat.⁸⁴ But he cannot resist calling the council of Chalcedon an "unworthy and despicable" council, so its actions were invalid in

81 P.18, 19, 112, 117.

82 P.23.

83 P.19, 99.

84 P.91.

changing any previous canon law.⁸⁵ Properly constituted canon law, however, has universal application, and Mxit'ar frequently adds his personal stamp of approval when referring to a canon, calling it "right" or "appropriate."⁸⁶ When he does add rules of his own, he emphasizes that they are consonant with the intention of the original legislation.

Thus, in one of his rare acknowledgements of specific sources, when discussing discipline in monasteries he says: "Of necessity we are adding in moderation indications of the code of corporeal regulations, because not all are now living according to Saint Basil's rule. We are not authorised to consider anything far from the intention of the saint's rule, but we travel in paths that are consonant with it."⁸⁷ He can even go further and propose rules actually in conflict with the canons. Thus, when discussing the age of responsibility for murder committed by children, he notes that the canons bid that below the age of fifteen the sins of childhood are not to be remembered. This seems to be a reference to a canon attributed to Basil which appears in the context of marriage and sexual purity. In any event, Mxit'ar rules that if the murderer is older than twelve he has to pay the full blood money; if under twelve a sliding scale applies. He goes on: "Although this is reckoned to be outside the canons and opposed to them, yet we have made bold to state the above, having as record the scrutiny of vardapets."⁸⁸

To this general principle Mxit'ar often returns, namely the role of vardapets, who deal with the majority of local cases where an episcopal court is not involved. Theirs is the authority to investigate and set the appropriate penances. The Code is meant to guide them in their decisions, but not to bind them into giving inflexible rulings. Mxit'ar was himself a member of that select group, not only a teacher but a father confessor. Spiritual concerns, therefore, always take precedence over written codes. The first written code, that of Moses, may still apply in certain cases, though Mxit'ar's attitude is somewhat equivocal. He stresses, for example, that as was laid down in Deuteronomy in the case of fathers substituting themselves for sons

85 P.91, 96.

86 E.g. pp.40, 44-6, 50, 88, 90, 92, 97, 117, 128.

87 P.33.

88 P.44.

condemned to death, punishment is for the sins of individuals and cannot be transferred.⁸⁹

Canon-law too, as we have seen, must be interpreted in ways that stress moral responsibility. Anyway, the canons do not cover all contingencies. For example, when discussing wives who abandon cruel and abusive husbands, Mxit'ar quotes the sixth canon of Šahapivan, which rules that the couple is to be kept together, even if the husband is to be reprimanded. Fearful of the harm which might befall the abused wife, Mxit'ar changes the rule to allow the wife to leave the husband. He adds: "Let us make it clear that our wishes are not opposed to the will of the canons. If other judges should wish to take something from our code, let them take; otherwise, let the canons remain firm."⁹⁰ Or again, in ch. 213 which deals with the permitted degrees of affinity in marriage, he states: "So if this statute seems pleasing to the churches, since as much as was possible we have set it down after verifying it from scripture, let them act in accordance with it. But if it is unpleasing, let no one reprove us as presumptuous, but let him grant us forgiveness as ignorant."⁹¹

Such disclaimers should not be taken as purely literary affectations or as indications of the author's humility. Mxit'ar was in his late forties, or perhaps even fifty, when he put together his Lawcode. He was a man of deep scriptural learning and wide teaching experience. Faced with a pressing need he responded in the way he knew best. He was not trained as a lawyer, and did not bring a passion for legal niceties to his task. Not long after his death, an attempt was made to separate the statutes into two sections, secular and religious.⁹² But such a division is ultimately unsuccessful because, as Mxit'ar himself explained, the secular and spiritual aspects of human life are indissolubly intertwined. Despite the inclusion of much material that bears on affairs of state, as well as details of daily physical life – agriculture or trade, for example – this is not a legal code in the modern sense. Mxit'ar was concerned with the community in northeastern Armenia

⁸⁹ P.86. Cf. above, p.25-26, for MG's attitude to the Old Testament, and the Appendix "Mxit'ar and the Pentateuch."

⁹⁰ P.114.

⁹¹ P.126.

⁹² This is the recension published by Bastameanc'. See the following section "The Text of the Lawcode."

that had no secular leaders. Its affairs were ultimately in the hands of the church. For Mxit'ar spiritual and social concerns were dominant, and these he treated in the fashion one might expect of a medieval vardapet rather than a modern lawyer. As he noted, vardapets are to be given prime honour because they are healers of souls.⁹³

The Text of the Lawcode

I. Recension A:

We have no autograph copy of the Lawcode from Mxit'ar himself. Nonetheless, the oldest surviving example of the text was probably written in Mxit'ar's lifetime. The Code is found in Venice 1237, where on f.299 the scribe prays that Christ may preserve the lives of Vaxt'ang and his wife Arzuxat'un.⁹⁴ This is the Vaxt'ang, prince of Haterk', mentioned in the Code as the son of the prince of that province, and by Kirakos as helping in the building of the monastery of Nor Getik circa 1200.⁹⁵ He died in 1214, one year after Mxit'ar himself. The earliest dated text is just one side of a page, preserved as the first folio of Paris 179.⁹⁶ This manuscript is incomplete at beginning and end, but there is no reason to suppose that originally it did not contain the whole text. It was copied in 1231 at Hromklay in Cilicia, the residence of the Armenian Catholicoi from 1147 to 1292. It is significant that Mxit'ar's work was known and copied there at this early date, though Mxit'ar himself had studied in that area in his own young days. A complete copy of the Lawcode written at Hromklay only seven years later does survive in Venice 1738, written by a certain scribe Barsē in 1238.⁹⁷

⁹³ P.33.

⁹⁴ See the recent catalogue by S. Čemčemean, *Mayr Č'uc'ak Hayeren Jeragrac'*, vol. 6, Venice 1996, where this MS is classified as no.993. T'orosyan indicates that he did not have direct access to this MS, which he used as his base text, a, but that he used a copy made in Venice in 1862, which is now in Tbilisi in the Armenian collection of the Georgian Institute of Manuscripts Manuscript, Kekelije collection no.14.

⁹⁵ MG, p.25; Kirakos, p.215.

⁹⁶ Macler, *Catalogue*, p.100. The 1998 catalogue of the Paris collection was not available at the time of writing.

⁹⁷ This is classified as no.994 in vol.6 of Čemčemean's Catalogue.

The code also survives in another early manuscript, the second part of which was copied for archbishop Vrt'anēs in 1240. This is now in Bzommar, no.180; the scribe and place of copying are unknown. Many other examples of this first recension are known. T'orosyan lists nine used for the preparation of his edition:⁹⁸

1. Venice 1237, of the beginning of the 13th century, in a copy made in 1862;
2. Bzommar 180, written by 1240.
3. Matenadaran 2775, of the 14th century;
4. Mat. 6564, of the 14th century;
5. Mat. 6398, of the 13th-14th century;
6. Mat. 209, of the 17th century;
7. Mat. 6890, of the 17th century;
8. Mat. 3276, of the 17th century after 1640;
9. Venice 1738, written in 1238.

II. Recension B:

A second recension of the Lawcode was made before the end of the thirteenth century. This second recension was not a revision of the content of the text, but a radical reordering of the material creating two artificial categories, "ecclesiastical" and "secular." It was in existence before 1295, since the oldest surviving example dates from that year, namely Matenadaran 488, written at Skewra – also in Cilicia. This is the MS used as a base by Bastameanc' for his 1880 edition.⁹⁹

III. Recension G:

The largest number of copies of the Lawcode, however, attest to a third recension, or more accurately, a variant of the first, T'orosyan's G recension.¹⁰⁰ It has the same number of articles as recension A, in

⁹⁸ T'orosyan, p.cii-cvii.

⁹⁹ Kaufhold's 1997 study of translated Byzantine legal texts describes over 60 MSS. most of which include the *Datastanagirk'*. But Kaufhold does not distinguish between these two recensions, nor does he include those manuscripts which contain Mxit'ar's work but not the translated Byzantine texts.

¹⁰⁰ In Armenian A, B, G are the first three letters of the alphabet and hence are used for the numbers 1, 2, 3. Since B is the first letter of Bastameanc's name, it is convenient to use this as an abbreviation for his edition.

the same order without the division into two categories that distinguishes recension *B*. The main difference is that its text is often abbreviated from the first recension. The oldest surviving example is Mat. 2593, written in 1303 at Erznkay (modern Erzinjan), in north-western Armenia. As with recension *B*, there is no clue regarding its author or the exact date of its creation. The question does arise whether this "third" recension predates 1300, which could be demonstrated if it served as the basis for Smbat's Lawcode composed in Cilicia in 1265.

It is clear that so far as the ordering of his material is concerned Smbat used a version of the *A* recension. He follows large chunks of text with the same *order* of presentation, not the ordering of the dual recension.¹⁰¹ But does Smbat's *text* of the articles indicate whether the shorter recension was known to him? This is not immediately obvious, because he does not follow the text of Mxit'ar very closely and he reworks the material in a more popular language than the original. T'orosyan was certain that Smbat had used the shorter *G* recension, but examples may be found of both agreement and disagreement between these two recensions.

Smbat and *G* agree in article 15, which deals with a man insulting his wife because of step-children. Unlike *A* they both refer to the "condition" or "agreement, *poman* [= classical *payman*]," which the husband made before the marriage. In article 39 *G* begins with a reference to bishops residing in cities; Smbat follows this, but the reference is not found in the first recension. On the other hand, not all variations in *G* are found in Smbat. In article 8, which deals with the seven year wait before remarriage if a wife is taken captive, Smbat follows *A*. The shorter recension, however, here adds that the husband must go around seeking his wife. In article 12, neither Smbat nor *A* include homicide among the reasons why a wife may leave her husband, though this is found in *G*. In article 10 the version in *G* is much abbreviated, rather than having an expansion as in the two previous examples. Smbat is closer to the original longer text.

Within the *A* and *G* recensions the manuscripts often diverge quite considerably. T'orosyan's detailed apparatus, printed separately from

¹⁰¹ See the table, p.311 below, giving the equivalent chapter numbers. In the following translation the numbering for Bastameanc's edition is marked by "B," and Smbat's by "K [= Karst]," in a footnote to each chapter number.

the texts, indicates that copyists did not strive for exact replication. Smbat did not consistently follow the shorter version rather than the longer one; but it is clear that a text with characteristics of the G recension was known to him. So the popularity of this variant of the Code began very early and predates the artificial division into "ecclesiastical" and "secular," now conveniently known as recension B.

The specific influence of Mxit'ar's *Datastanagirk'* on the Code of Smbat the Constable is not our present concern. Nor shall we here investigate Mxit'ar's later impact on legal traditions in the Armenian diaspora. Kaufhold's study of the manuscripts containing the Code shows how widely it circulated, normally in conjunction with some of the translated Byzantine legal texts. Outside the homeland it had particular influence in Poland, where in 1356 Casimir III granted the Armenians of Lvov the right to be judged according to their own law. In 1518 a Latin translation was made, and was authorised for official use the following year by Sigismund I. Only ten years later a Kipchak version was in use; and in the 18th century this was also current among Armenians in Astraxan and Naxicevan on the Don [Rostov]. Furthermore, between 1703 and 1711 a Georgian version was made for Prince Vaxt'ang, later king Vaxt'ang VI, who was later responsible not only for a major codification of Georgian law but also the official compilation of the Georgian Chronicles.¹⁰²

The present undertaking is an attempt to understand the text of Mxit'ar's Code and the way in which he tackled the problems of his own time and situation. It is but "one brick set in the wall," a contribution to the larger "structure" of Armenian legal traditions.¹⁰³ Given the increasing interest in Armenian translations of Greek legal texts, I trust that an English rendering of the first original code to include secular matters will encourage further research into native Armenian achievements.

¹⁰² For these later developments see Mécérian, p.202-4, and the bibliography in Burgmann/Kaufhold.

¹⁰³ Cf. *Buzandaran*, III 1.

APPENDIX

In this Appendix are discussions of certain themes or lists of references which were too long to be integrated in to the Introduction proper or the notes to the translation. These concern:

1. Blocks of sources quoted directly.
2. The Pentateuch: which precepts may be accepted as still valid, and which are to be adapted.
3. Vardapets.
4. Mxit'ar and Muslims.

1. *Blocks of sources quoted directly*

From ch.28 to ch.228, Mxit'ar generally takes his material in blocks from the bible, the *Kanonagirk'*, or Dawit's *Penitential*. These blocks may be set down schematically:

28-30:	Deuteronomy, ch.22
36-38:	Apostolic canons
39-50:	canons of Clement
51-53:	canons of Post-apostolic Fathers
54-67:	Exodus, ch.21
68-72:	
73-74:	Exodus, ch.22
75:	
76-83:	Exodus, ch.22
84-85:	
86-92:	Leviticus, ch.6, 22, 24, 25
93-100:	
101-102:	Numbers, ch.27, Leviticus, ch.27
103-104:	
105-131:	Deuteronomy, ch.7, 18, 19, 21-25
132-134:	canons of Post-apostolic Fathers
135-139:	canons of Nicaea
140-143:	canons of Ancyra
144-152:	canons of Neocaesarea
153-156:	canons of Gangra

157-160:	canons of Antioch
161:	second set of Nicene canons
162-163:	canons of Laodicaea
164:	canons of Clement
165-173:	canons of Athanasius
174:	first set of canons of Basil
175-179:	second set of canons of Basil
180-184:	
185-189:	second set of canons of Basil
190:	
191-192:	second set of canons of Basil
193-194:	canons of Thaddaeus
195-198:	canons of Šahapivan
199-201:	canons of Nersēs and Neršapuh
202:	
203-205:	canons of Partaw
206-211:	canons of Dvin
212-218:	
219-224:	canons from Dawit'
225:	
226-228:	canons from Dawit'

2. *Mxit'ar and the Pentateuch*

The legislation in the Pentateuch, called "the Law" by Mxit'ar, forms a significant part of this Lawcode. Its precepts may be accepted as still valid for Armenians [I], or adjustments and adaptations may be in order [II].

I. The rules of the following sort are to be accepted:

- ch.20: sons are not punished for their fathers' sins.
- ch.60: a man who hurts his fellow is fined.
- ch.64: a man who blinds his servant, etc. is to free him *if he is a believer*. Muslims may be sold.
- ch.66: if a bull hurts a neighbour's bull.
- ch.67: fine for owner of well if someone falls in.
- ch.73: fine for stealers of animals.
- ch.76: fine for those whose animals eat others' produce.

- ch.77: fines for those who set fires.
- ch.78: fines for those who steal deposits.
- ch.79: fines for those who do not keep animals safely.
- ch.80: fines for those who break things borrowed.
- ch.81: fines for seducers of betrothed virgins.
- ch.82: interest cannot be demanded.
- ch.83: pledges of the poor may not be kept overnight.
- ch.85: the plants of foreigners are not to be damaged [in war].
- ch.86: statutes for fraud of a neighbour – but MG adds penance.
- ch.87: misuse of holy things.
- ch.89: fines for those who strike animals.
- ch.101: daughters are to share inheritance.
- ch.106: offerings to priests.
- ch.107: boundaries are not to be changed.
- ch.108: the Law confirms the need for two or three witnesses.
- ch.114: rescuing a neighbour's lost animals.
- ch.115: recovering lost animals.
- ch.116: clothing of the opposite sex not to be worn.
- ch.117: rule on birds' nests gives good moral instruction.
- ch.119: not to hand back servants who fled from their masters.
- ch.120: not to take stalks from another's harvest, only an ear.
- ch.121: not to bear off another's grapes, but merely to eat them.
- ch.123: newly married men not to go to war.
- ch.124: millstones not to be pledged.
- ch.125: pledges not to be recovered from debtor's house by force.
- ch.127: fathers and sons may not take each others' punishments.
- ch.128: laws are not to be perverted.
- ch.129: widows' possessions not to be taken as pledges.

II. The following rules need adjustment:

- ch.2: for traitors death is commuted to punishment.
- ch.27: death caused by drunkards: fine replaces death penalty.
- ch.29: seducers may pay a fine instead of forced marriage.
- ch.30: girl not a virgin at marriage may be divorced, not killed.
- ch.51: escape to "cities of refuge" replaced by penance.
- ch.57: those who strike parents: penance replaces death penalty.
- ch.58: kidnappers punished, not put to death.
- ch.59: those who slander parents: penance replaces death.

- ch.60: man who kills another: penance replaces death penalty.
- ch.61: man who strikes servant: MG adds penance to freedom from punishment in the Law.
- ch.62: man who causes death of fully formed foetus pays fine and penance instead of death.
- ch.63: "eye for eye" .. etc.: replaced by a fine.
- ch.65: bull who kills is to be slaughtered and meat sold to Muslims. If its owner is responsible, he is not to be killed, but has to pay a fine.
- ch.74: penance, not death, for those who kill thieves.
- ch.88: Muslim blasphemers to be stoned; Christians are to be sentenced to death.
- ch.90: seven year period replaces "year of release."
- ch.91-2: change, because no "year of release" with us.
- ch.109: penance replaces sacrifice for unsolved murder.
- ch.110: a man may marry a captive *after her baptism*.
- ch.111: sons of second wives not to be preferred, though Christians cannot have two wives at once!
- ch.112: perverse sons not to die but be disinherited.
- ch.113: burial of condemned felons: adapted.
- ch.118: addition of penance to accidents from falling off roof.
- ch.122: divorce not allowed if wife merely displeases.
- ch.126: addition of compensation if wages not paid same day.
- ch.130: change of reason for avoiding excessive beating as punishment: to avoid harming the condemned.
- ch.131: commutation of fine for cutting off a hand.

3. *Vardapets*

As noted in the account of Mxit'ar's life above, he belonged to the order of *vardapets*. "Vardapet," lit. "chief of instruction," was a title bestowed on celibate priests who had attained a high level of scholarly competence, especially expertise in the study and interpretation of scripture. The term can also be used more vaguely as "teacher," one of the ranks in the church described by St. Paul.¹⁰⁴ Some of the formal duties of Armenian vardapets were already regulated in the

¹⁰⁴ P.24, 134. For a general discussion of this term see Thomson, "Vardapet," and more recent references in Garsoïan, *EH*, p.567.

canons of Shahapivan, held in 444,¹⁰⁵ but Mxit'ar is the first to describe in detail their training and status. In his Lawcode he also pays due attention to their roles as assistants to the bishops in the dispensation of justice and as spiritual counsellors.

A. Administration of justice.

Mxit'ar often refers to the fact that the Armenian kingdom was no more. In the present circumstances the administration of justice is in the hands of bishops, not secular authorities. "Because now we have no king or prince, since good administration is effected through these, let us fulfil such responsibilities through our patriarch, because he is the head of the judges of the church."¹⁰⁶ Bishops act as judges with the cooperation of colleagues. The latter can be "laymen, or priests, and experienced *vardapets*."¹⁰⁷ Unfortunately, many of these four groups, "bishops, vardapets, priests, and chief laity," now pervert right judgment through partiality and bribes,¹⁰⁸ which is one reason why Mxit'ar has composed his Code – his eighth reason – "in order to correct and reprove them."

Not all vardapets are knowledgeable in affairs of the law courts,¹⁰⁹ which is hardly surprising given the emphasis on their religious training. Only those involved in the labour of judgment are to share fees with the bishops. Such income is largely comprised of the inheritance of those who die without family heirs.¹¹⁰ Vardapets have the particular responsibility of examining the circumstances of individual cases.¹¹¹ Through such scrutiny they acquire expertise, on which Mxit'ar himself draws in the formulation of certain rules.¹¹² But their prime duty is the interpretation of the canons.¹¹³

The transfer of legal authority from secular to ecclesiastical authorities has as a major consequence a change in the type of penalties

¹⁰⁵ See esp. canon 18, *Kanonagirk'*, I, p.460-1.

¹⁰⁶ P.26.

¹⁰⁷ P.9.

¹⁰⁸ P.3.

¹⁰⁹ P.20.

¹¹⁰ P.26.

¹¹¹ P.102.

¹¹² P.44.

¹¹³ P.45.

which may be imposed on offenders. The death penalty, or even imprisonment, is no longer a viable option. Bishops, vardapets, and priests can impose only spiritual sanctions: deposition from office, excommunication, or the imposition of penance for various periods of time. They can assess the fines payable for damages. But if the guilty party does not pay the fine, Mxit'ar does not explain what course of action the spiritual judge can then take.¹¹⁴ He emphasizes simply that in all cases the vardapets are to review the penances.¹¹⁵ The role of vardapets in assessing penance is already mentioned in the text of some of the canons that Mxit'ar quotes;¹¹⁶ but it is a responsibility to which he frequently returns in his own comments. "Through the vardapets there is restitution to the right path for the one absolved and penitent. But for the unrepentant the laws of the code apply."¹¹⁷

In addition to assessing appropriate penance, vardapets also have responsibility in approving marriages. Mxit'ar notes particularly their role in preventing the prohibited marriages of close relatives,¹¹⁸ and in the approval of second marriages for those whose spouses had been taken captive.¹¹⁹ Their role in adjudicating the inheritance of church property or with its taxation, and in deposing clergy, are quoted from previous Armenian canons.¹²⁰

B. *Training and status*

Mxit'ar devotes chapter 4 of his Lawcode to a detailed review of the licensing and status of vardapets. Personal animosities and rivalry among them were clearly a perennial problem. As with other ranks of the clergy, it was important to define clearly their spheres of authority. Just as bishops were not to meddle in the affairs of other sees, so vardapets should not interfere in the responsibilities of colleagues, poach each other's pupils, or loose where another had bound.

¹¹⁴ Eg. p.82.

¹¹⁵ P.61, 100.

¹¹⁶ Eg. p.101, 105

¹¹⁷ P.82.

¹¹⁸ P.122. MG devotes much detailed attention to tables of kindred and affinity.

¹¹⁹ P.118

¹²⁰ P.119, 120, 140.

It is not necessary here to quote chapter 4 verbatim. The main points are the following:

1. Vardapets are to be trained in the bible and canon-law.
2. They are to be admitted to that rank by two or three vardapets, not by a single vardapet, nor can they be self-appointed!
3. They are not to seek admission from a vardapet who has not been their own teacher.
4. One vardapet may not release a person excommunicated by another.
5. If there is more than one vardapet in a monastery, the most proficient is to be head; or if they are equal, the eldest. Visiting vardapets are to defer to the vardapet of the monastery they visit.
6. They must not accept each other's pupils.
7. Vardapets are examined before admission, not only on their knowledge but about their teachers.
8. Bishops are to control their activities in each diocese. The presumptuous and avaricious are to be silenced.

Some of these requirements are emphasized again later, with corroboration from earlier canon laws. That one vardapet may not reinstate a person excommunicated by another is repeated where Mxit'ar quotes the canons of Nicaea.¹²¹ A vardapet has the right to strike his pupil "moderately" for punishment. But this may be done with excessive force and result in the death of the pupil. Such deaths are accidental and are not to be treated as deliberate murder.¹²² If a vardapet merits deposition, he is to be deposed by the vardapet who originally bestowed on him his rank.¹²³

Mxit'ar's prime concern in the Lawcode is with the spiritual welfare of the Armenian communities. He therefore concentrates on the vardapets as spiritual advisors and regulators of penance. He is not concerned with the regulation of monastic schools or the technical training of these doctors of scripture. A broader picture may be gained from an examination of the descriptions found in the medieval historians of learned men, of their travels and teaching, and of their pupils and writings.¹²⁴

¹²¹ P.88

¹²² P.103, 144

¹²³ P.141.

¹²⁴ The *History* of Kirakos Ganjakec'i is particularly valuable in this regard.

4. *Mxit'ar and Muslims*

Mxit'ar's main purpose in composing his Lawcode was to prevent Christian Armenians from having recourse to Muslim courts, so it is not surprising that he frequently mentions Muslims and their legal and religious traditions. Some of Mxit'ar's comments fall into the category of traditional Armenian anti-Muslim insults,¹²⁵ but others are of greater interest as possible reflections of twelfth century relationships between the two communities.

Armenian authors do not use the word "Muslim," or any direct Armenian rendering of that Arabic word. Usual expressions are "Hagarene," "Saracen," "Tačik;" sometimes an adjective derived from "Mahmet;" but most commonly "foreigner, outsider, *aylazgi*." The Armenian means "of a different *azg*," a rather vague word to be translated as "clan, tribe or people." It is used in the Old Testament for the Philistines. Its Armenian usage thus introduces the dual idea of a people both of different ethnic origin and of different - and definitely inferior - religious practice. It is not, however, used of Persians in the pre-Muslim period. Most of Mxit'ar's references to Muslims fall under this heading of "foreigners." In addition to *aylazgi*, he uses occasionally *aylasei*, lit. "of a different genus, or kind," which means much the same. He also refers directly to "Mahmet," and to his followers as "Mahmetakan," where "-akan" is the common Armenian adjectival ending.¹²⁶

Since Mxit'ar's terminology is not always without ambiguity, it may be helpful briefly to review his references to "unbelievers" in general, be they Christian heretics or members of a non-Christian religion.

A. Unbelievers, schismatics, sectaries.

1. Unbeliever, *anhawat*:

P.3: Mxit'ar quotes St. Paul's references to Christians litigating against each other, "and at that among unbelievers [I Cor. 6.6]," as a parallel

¹²⁵ Much of the Armenian anti-Muslim rhetoric has been collected in Thomson, "Muhammad," with references to previous literature. There is as yet no comprehensive study of Armenians and Islam in the medieval period.

¹²⁶ For full references see the Index of Terms s.v. "Foreigner, "Muslim," "Outsider."

to the twelfth century Armenian condition. Here he equates "unbeliever" with *aylaser*, which in the context clearly means "Muslims."

P.13: Here Mxit'ar declares that the testimony of "unbelievers" is not to be accepted concerning Christians, even if many of these people are themselves perfectly just. He adds in justification that Jesus did not accept the testimony of the demons even when they spoke the truth. In this context the "unbelievers" are clearly people of a different religion, *krawnk'*, for Mxit'ar immediately turns to "schismatics, *herjuac'otk'*," whose testimony is equally unacceptable, since they themselves are not true witnesses to the Lord.

P.18: Mxit'ar declares unacceptable the oaths of denial of "unbelievers" given in a peculiar manner – such as blowing water and oil through the mouth or seizing hold of a dog's tail – and not made by placing one's hand on a cross or the gospel. He has taken these forms of infidel oaths from the earlier Armenian author Dawit' of Ganjak, who specifically associates them with Muslims. Muslims are also meant here, since Mxit'ar next turns to the case where the two litigants are both Christians.

P.21-22: Believers must not go to the court of the unbelievers. They are here explicitly equated with *Mahmetakank'* and *aylazgik'*, and Mxit'ar gives a long description of Muslim legal practices. To these we shall return below.

2.a. Schismatic, *herjuac'ot*.

P.13: That their testimony is not to be accepted was noted just above. They are not Muslims, but Mxit'ar does not specify here to what heresy they may belong.

P.22: "Schismatics" are mentioned without further elucidation in a curious list of those who do not hold the right faith: Jews, barbarians, Samaritans, sectaries, and *Mahmetakank'*.

P.52: If anyone is baptised or ordained by schismatics, the ceremony is invalid and has to be repeated. Here "schismatics" are equated with "those of incomplete faith, *t'erahawat*." This expression is not used elsewhere by Mxit'ar. It occurs several times in the New Testament applied to the disciples, "those of little faith." But in Armenian it is not tied to any particular heresy.

P.99: When discussing marriage with outsiders, *aylazgik'*, Mxit'ar indicates that they are deprived of communion and that members of "our church" should not allow their sons or daughters to contract marriage

with them. Here he is adapting canon 10 of the fourth-century council of Laodicaea, where in the original "outsiders" means pagans. Mxit'ar has Muslims in mind, but he includes in the ban on marriage "schismatics, with whom we do not communicate." He does not make it clear whether Greeks and Georgians, with whom the non-Chalcedonian Armenians would not communicate, are intended, or whether some even less orthodox group posed a danger to the Armenian young.

2.b. Schism, *herjuac'*

P.43: Here Mxit'ar is discussing apostasy. He notes that the same law is to be observed regarding those who go astray into sects or schisms. This merits further discussion in the context of Islam; see below.

3.a. Sectary, *aḷandawor*

P.22: Sectaries, *aḷandawor*, are mentioned along with schismatics and others; see just above.

3.b. Sect, *aḷand*

P.43: Sects are mentioned with "schisms," without further distinction.

P.96: Mxit'ar berates parents who neglect their children on the ground of excessive attention to their own piety. Here he is quoting canon 15 of Gangra. This council was held in 345 and dealt with false asceticism, attacking the sect of Eustathius of Sebaste. Mxit'ar does indeed note that this canon "strictly" concerns the sect "who pronounced themselves holy," though he does not further identify them. He uses the canon in more general terms to reprimand parents who neglect their children and do not give them a strict upbringing in the laws of God. So we are not to conclude that Eustathius had disciples in twelfth century Armenia, but that Mxit'ar, who frequently emphasizes his pastoral concerns, used appropriate canons where he could find them to strengthen his arguments.

B. Muslims:

Muhammad

In his Lawcode Mxit'ar is not interested in historical origins, so he does not describe Muhammad's life or the beginnings of Islam.¹²⁷ The standard Armenian title for Muhammad is "legislator, *awrēnsdir*." Mxit'ar once uses the cognate form *awrinadir*.¹²⁸ The passage occurs

¹²⁷ Cf. n.125 above.

¹²⁸ P.3.

in his list of reasons for composing a Lawcode in the context of blame both from infidels and from Christians that a code would not be in complete conformity with the Gospel. Mxit'ar blames this attitude partly on the "legislator's" lack of understanding and partly on Christians being ignorant of the divine will as expressed in the Gospel. The argument is rather tortuous and unclear. But the passage gives no details about any specific Muslim tradition.

Mxit'ar once refers to Muhammad as the "leader, *araġnord*," of the Muslims.¹²⁹ This word is common in Armenian in both secular and religious contexts and here does not carry any special overtones. His followers claim that their leader is "dear to God." Yet they testify to his many evils. In the context Mxit'ar has in mind the pleasures of the body.

Twice Mxit'ar does refer to Muhammad by name,¹³⁰ but only in the context of his "disciples" or of those "learned [in his teaching]." So no personal image of the prophet emerges beyond the doctrines ascribed to his followers.

God

Although Christians should avoid the tribunals of the Muslims, for there is a great gap between believers and unbelievers, nonetheless the latter have come a certain way along the path to truth. In his only lengthy exposition of Muslim beliefs Mxit'ar begins by stating that they confess God the Father; but they say that the Son is created. Mxit'ar repeats this in stronger language: "They boast that they worship God, but they blaspheme his Son."¹³¹ The penalty for actual blasphemy against Christ and Christian holy things is death, which for Muslims is by stoning.¹³² Death is also imposed on Christians "after investigation of the circumstances."

The Law

They have a beginning for their code from the Law of Moses. On the other hand, they have altered much of that by deceit, and render it according to their own pleasure. They have also accepted what pertains to natural law, for even the pagans had learned to condemn

¹²⁹ P.21.

¹³⁰ P.106-7.

¹³¹ P.21-2.

¹³² P.68.

thieves, murderers and evil-doers. What is good in their code from these sources we Christians accept, though we reject the vicious additions.¹³³ Mxit'ar does not elaborate on what these additions might be.

Resurrection

They confess a resurrection, but they concede no grace to the soul. There is a kingdom with women, and paradise for fornicators. They say that there is retribution for deeds, and they adorn tombs.¹³⁴ The relationship of the two parts of this last double statement is not obvious. Does adornment of tombs imply a belief in the efficacy of prayer or other rituals to alter the status of the dead? They certainly believe in prognostication; for Mxit'ar accuses the *Mahmetakank'* of being astrologers. In their foolish philosophy they speak of the stars as indicating the child, i.e. as foretelling its fate.¹³⁵

Practices

They commit all sorts of evil, reckoning ablution as a purifying of soul and body. They honour the pleasure of the body, not refraining from what they desire. They say wine is bad, "yet there is none who does not become drunk." They are also avaricious, as demonstrated by their visiting orphans and giving excessive bride-price: "How can equity according to our religion be found in the court of those whose way of life is so alien and whose faith is crooked?"¹³⁶

Mxit'ar does not refute all these errors one by one, but gives a general statement of the superiority of Christianity: "We confess the holy Trinity as one godhead and power and glory, and the true Son of God who became true man, indissoluble in unity and eternal. And we are zealous for good works. Even if we are somewhat deceived in the desires of the world, we are not hypocrites; but we confess and believe in forgiveness. We love each other and grant forgiveness to transgressors. We desire purity and we abominate sinners. We observe fasts and prayer. We die for the faith and resurrection and retribution, and we expect the kingdom."¹³⁷

¹³³ P.23.

¹³⁴ P.21-2.

¹³⁵ P.106.

¹³⁶ P.21-2.

¹³⁷ P.22.

Muslim Courts

Mxit'ar's prime concern throughout is to stop the practice of Christians having recourse to Muslim courts. This they do because they hope to win their case. "We see many of the believers rushing there, when they see that by going to the Muslims our case is carried out victoriously ... But it is not right for the sake of avarice and victory for believers to go to the unbelievers, but to the believers, even if the case is lost."¹³⁸

Witnesses

The Muslims use false witnesses and a deceitful court. They also have calumniating orators. This presumably means attorneys, or hired lawyers who plead their client's case. These may be found in Christian courts too, a practice which Mxit'ar strongly opposes. Muslims will fall under the more inclusive category of "unbelievers," who are not to be accepted as witnesses, even if as persons they are just.¹³⁹

Oaths

Furthermore, their oaths are impenitent. The question of oath-taking is important for Mxit'ar, since swearing was forbidden by Christ.¹⁴⁰ He distinguishes affirmation from denial and describes various forms of denial as practiced by Muslims. These he has taken from Dawit' of Ganjak, who wrote his *Penitential* in the 1130s, fifty or so years before Mxit'ar started his own Lawcode in 1184. "They extinguish the light, or blow out water and oil through the mouth, or seize hold of a dog's tail, or draw a cross on the ground and trample it, or make two circles in the earth and pass from one to another. All this and suchlike are examples of denial which it is not right to accept, even if death is imminent and the total destruction of one's house."¹⁴¹ More obscurely, Mxit'ar refers to an oath concerning servants [and their freedom?] which the Muslims do not accept.¹⁴²

¹³⁸ P.22.

¹³⁹ Cf. above, p.48. For attorneys see p.10-11.

¹⁴⁰ See ch. 8 of his Introduction. Cf. p.18 where MG refers to a Muslim judge demanding Christian oaths in his court.

¹⁴¹ P.17.

¹⁴² P.20. For the selling and buying of servants see below.

Inheritance

They deprive the dead in the name of the living, and completely despoil the heirless on the grounds of doing good.¹⁴³ This obscure comment may perhaps be elucidated by Mxit'ar's later explanations concerning wills and the inheritance of daughters. He explains that the Muslims do not make daughters heirs of their fathers, but they divide the inheritance among the families.¹⁴⁴ This is in contrast to the Armenian code, whereby daughters can inherit in the absence of sons, even if this means that the parents' inheritance passes to another family. When sons and daughters are both present, the inheritance is equally divided.

As for wills, those learned [in the teaching] of Muhammad say that a will is confirmed only after the sick person has survived for forty days.¹⁴⁵ In contrast, Mxit'ar declares that a person's will is to be confirmed even if he dies on the same day that he made it.

Marriage with Muslims

Those who give sons or daughters in marriage to Muslims are to be deprived of communion, just as the heathen foreigners are deprived of communion.¹⁴⁶ This rule is conjoined with a similar one concerning schismatics.

If in war a foreign woman is taken captive and she pleases the captor, the Christian may marry her after baptism. He may not then dismiss her, even for free, once he has had intercourse with her, save for a charge of fornication. In other words, she has the same rights as a Christian wife taken in the normal way.¹⁴⁷

Unlawful sexual relations with Muslims, however, are treated more seriously than sex with Christians. If a wife discovers her husband is polluted with Muslims, she can leave him. Here pollution with Muslims is equated with sodomy and bestiality.¹⁴⁸

The Mosaic law condemned adulterers to death; but the Christian law commutes that to payment. Some judges – though Mxit'ar does

¹⁴³ P.21

¹⁴⁴ P.73

¹⁴⁵ P.107.

¹⁴⁶ P.99.

¹⁴⁷ P.79-80.

¹⁴⁸ P.40.

not explain who – think it right to castrate such men, like those who commit bestiality or sodomy. There seems to be no source for this in Armenian canon-law. If, however, the adulterer is a Muslim, *aylazgi*, and they are under our control, then it is legal to castrate them.¹⁴⁹ Mxit'ar does not explain where one might find Muslims under Armenian control, except in the case of servants purchased on the market.¹⁵⁰ The reverse was usually the case.

Tax

Muslims are liable to the poll-tax, *hark glxoy*, lit. "head-tax"; Christians are not. But Christians who are subject to Muslims and pay tax to them, must not be taxed further.¹⁵¹

Sales to Muslims

Meat may be sold to Muslims in certain cases where Christians are not allowed to consume it. If a bull kills a man or woman, it is to be killed; the meat should be sold to Muslims and the money given to the poor.¹⁵² Likewise, when animals are afflicted by evil spirits they are to be killed and their meat sold to Muslims, but not to Christians.¹⁵³

Servants

Christians may buy Muslim servants. If the latter accept baptism, then they are to be freed when they have served for the amount of their ransom. If they do not wish baptism, then it is legal to sell them again.¹⁵⁴ On the other hand, if Christian servants are bought, then they can depart in the seventh year. Here Mxit'ar is adapting rules in Exodus. If servants are hurt by their masters, they may be freed. But if the servant or hand-maid should be a Muslim, then they may be sold for less than they were originally worth, even if the servant does not so wish.¹⁵⁵

149 P.46.

150 P.56.

151 P.31-2.

152 P.59.

153 P.152.

154 P.56.

155 P.59.

Another Old Testament rule that applied to Jews is adapted to the Muslims. A servant who flees his original lord, who refused to release him in the seventh year, is not to be given up "needlessly."¹⁵⁶

Blood money

Many of the rules of the Old Testament concerning wars with "foreigners" are applicable to Muslims, especially those referring to the killing of a "foreigner" and the question of blood-money. The latter do not have the grace of reason [!] or of Christianity, so their blood price is less – merely one third.¹⁵⁷

If on a journey a priest is attacked by bandits, may he kill in self-defence? This comes up twice, and Mxit'ar's responses are not consistent. On p.87: he is not a murderer; p.102: a priest may not kill any man. Mxit'ar adds: "I have heard concerning this statute that it is not right to kill for his own safety, but it is legitimate for the sake of one's companions when the bandits are Muslims."

In more general terms murder is to be distinguished as voluntary or involuntary. However, if a Muslim accidentally kills a Christian, then that should be regarded as deliberate murder; "because it is natural for them to rejoice at our death." This idea is repeated in connection with fines.¹⁵⁸

Fines

If a bull harms a servant, its owner is fined 30 saters.¹⁵⁹ This Mxit'ar has taken from Exodus. He adds that a distinction should be made between a Christian and Muslim; but he does not say by how much the fine is reduced in the case of a Muslim.

Both Christians and Muslims are to be judged if, through their own fault, someone falls into an open cistern or well.¹⁶⁰ Here Mxit'ar does not suggest the fine will be different, because it is assumed that the person hurt is Christian and such fines are assessed on the status of the person wronged. But if a Muslim is hurt, his compensation is less, as above.

¹⁵⁶ P.83.

¹⁵⁷ P.30. Reason: *ban*.

¹⁵⁸ P.103, 143.

¹⁵⁹ P.60.

¹⁶⁰ P.61.

Those who cut down a person's plants have to pay compensation. The Pentateuch commanded that orchards, even those of *aylazgik'*, are not to be damaged – a proposition approved by Mxit'ar.¹⁶¹

If a frightened horse causes a mortal injury, then its owner is responsible and must pay a fine. A Muslim owner pays double the fine of a Christian owner, "because naturally they would rejoice at our destruction."¹⁶²

Execution

Responsibility for murder is to be avoided. What if a Christian is asked to haul a condemned man to the gallows? It makes no difference whether the criminal is a Christian or a Muslim, the intended executioner must make every effort to flee or escape by a bribe. Only out of necessity should he carry out the task.¹⁶³ This is taken from Dawit' of Ganjak. It is noteworthy that Dawit' had referred to the Muslim criminal as a Kurd, which Mxit'ar changes to *aylazgi*.

An *aylazgi* who is condemned to death is to be buried on the same day.¹⁶⁴ Here Mxit'ar is adapting the rule in Deuteronomy that those hung on a gibbet are not to hang there overnight but be buried at once. "Our kings were ordered not to kill believers, but merely to punish them." The law is now applied to Muslims "for the sake of honouring our nature," which might perhaps be rendered in modern parlance as "common decency."

Control over appointments

Bishops and priests who receive their positions from Muslims are to be deposed.¹⁶⁵ Mxit'ar notes that many bishops and priests "now do so," since many Armenians were living in areas of Muslim control. But he does not elaborate here, either to condemn simony or to discuss the general question of lay control over ecclesiastical appointments.

Muslims are also to be prevented from gaining control of Christian holy places, such as the sites of vows; these are to be kept up by

¹⁶¹ P.30.

¹⁶² P.143. Cf. n.158 above.

¹⁶³ P.128.

¹⁶⁴ P.81

¹⁶⁵ P.54. Cf. his reference to "Mammon," p.88.

those who established them, and not to be put out to tribute, lest the grace of the church pass to *aylazgik'*.¹⁶⁶ Mxit'ar is referring to the offerings made at the site by those seeking healing. "Outsiders" are not to be allowed to gain control of such holy places. Whether this refers here specifically to Muslims is not clear, for Mxit'ar adds that "deceivers" are to be expelled from holy sites. "Erring in their stomachs and other passions, they falsely interpret dreams and lead many astray." Christian fraudsters could equally well be intended. Believers who come to the Liturgy are not to join the "thoughtless" among these *aylazgik'*. This is a play on words, "liturgy" being *xorhurd*, "thoughtless" being *an-xorhurd*.

Apostasy

If a husband apostatises, his wife is not to dwell with him.¹⁶⁷ The basic canon laws on apostasy predate Islam. But Mxit'ar adds that if the apostate agrees "to go to a foreign country and there hold the truth in penitence, for the sake of her husband's salvation let the wife accompany him, continually encouraging and consoling him, to receive compensation as the winner of his soul." Mxit'ar's prime interest is always the salvation of sinners. But in no other connection does he suggest that it might be necessary to go to a foreign country. It seems reasonable to suppose that here he is referring to apostasy to Islam. A Christian who apostatised and then repented, could not safely reside in his original home. Apostasy from Islam back to Christianity was a capital offence.

¹⁶⁶ P.153-4.

¹⁶⁷ P.43.

CONTENTS OF THE LAWCODE

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6. The qualifications of judges, accusers and plaintiffs
7. Witnesses, what their reliability should be, and why two or three are chosen
8. An oath; how it should be performed and by whom. Not prescriptively, because that was forbidden; but in order to advise and to define canons and penances for unlawful customs
9. That believers in Christ must not go to the tribunal of non-believers in Christ, having a great [distance] between them, as this shows
10. From which books then we are going to compile the details of the code, and from which nations, whereby our truth is confirmed; and how the text of the code is encompassed
11. Colophon in brief

The Code

1. The roles of judges
2. Kings and those subject to them
3. Abbots of hermitages and their brethren
4. *Vardapets*
5. Priests
6. A husband and wife who cannot undo virginity
7. A husband and wife, if it happens that one is afflicted by demons, or suffers from siphilis or leprosy, or from a long-standing illness, or is crippled, and whatever is like these

8. A husband and wife who are taken captive
9. Hatred between husband and wife
10. A husband and wife who commit adultery
11. Infertile husbands and wives
12. For which reasons a wife may leave her husband
13. If for reason of hatred husband and wife leave each other and are joined to another, and it happens that the one with whom they were joined dies, and they return to each other
14. If through commerce or for some other reason the husband should remain away, and the wife marry another
15. If a husband continually quarrels with his wife, insulting her, and strikes and beats her, or mutilates and maims her
16. If the affliction of siphilis is not obvious, or anything of that kind, and insanity, fornication, demon-possession, for which they can either leave each other or not, but only through folly they leave each other
17. Husbands and wives who apostatise
18. If for rancour against his wife a husband fall into apostasy, or a wife [for rancour] of her husband
19. A husband and wife who kill each other
20. Princes guilty towards kings, and of others towards them
21. Peasants
22. Murder by children
23. If children at play maim each other or break [bones], or deprive [each other] of faculties
24. If children harm each other in water
25. Children, if for a wager they instigate each other to run down from a high place, or over rough ground or across snow, or to go over other such terrain
26. Youths who harm each other for reasons of frivolous wagers
27. Drunkards and the harm caused by them
28. Adulterers and other malefactors
29. [Violation of] virgins who are not betrothed
30. Those who slander their wives
31. Provinces and villages and their affairs
32. Treasure-trove
33. Those who fight and pluck out beards
34. Stores of seeds
35. Peasants hurt by their lords more than is customarily allowed

36. Those who are not priests but carry out some [priestly] activities; or priests who commit some illegality
37. Those who dishonour priests
38. Judges
39. Possessions of the church and of the bishop
40. The bishop having authority over ecclesiastical property
41. Bishops and priests who do not give necessities to the clerics
42. Clerics who strike in a quarrel
43. Second ordination
44. Those who steal from churches
45. Bishops who are accused
46. Witnesses about bishops
47. That bishops are not to ordain any of their own [relatives] without the wishes and agreement of the other [bishops]
48. Bishops who involve themselves in wordly concerns
49. Designating servants into the clergy
50. Those who dishonour king or prince
51. Those who suffocate children
52. Thieves and brigands and those who support them
53. Abductions
54. Taking servants according to the Law
55. Maid-servants
56. Muslim servants, and likewise maid-servants
57. Those who strike their father or mother
58. Kidnappers
59. Those who slander their father or mother
60. Those who quarrel
61. Servants and maid-servants who are killed by their masters
62. Striking a pregnant woman when men are fighting
63. Blows
64. Servants and maid-servants who are struck by their masters
65. If a bull hurts a man or woman
66. If a bull hurts a bull and kills it
67. Cisterns and wells, and if any animal fall in
68. If a man or woman or child falls into a cistern or well
69. If a bull hurts a clean or unclean animal and kills it
70. If beasts of burden kill each other or cause harm by strangling or trampling

71. If one of these animals mentioned above either by biting or by trampling kills a man or woman, son or daughter, servant or maid-servant
72. If anyone was killed or hurt by the animals mentioned above; and a horse led out killed or hurt one of his people either in a cistern or in a well
73. Those who steal oxen or sheep, donkeys and their ilk
74. Thieves caught in the act
75. Robbers of churches
76. [Animals] which eat up fields
77. Conflagrations
78. Deposits
79. Safe-keeping
80. Those who borrow
81. Those who seduce betrothed virgins
82. Loans
83. Pledges
84. Fire-setters
85. Those who cut down plants
86. Deposits and partnership, plunder and harming anything of one's companion; and finding something lost
87. Those who consume the offerings and other dues of the church
88. Those who blaspheme the name of God
89. Those who kill animals
90. Those who sell and buy land
91. Those who sell and buy a house
92. Priests who buy or sell a house or farm
93. Water-mills
94. The sale of animals
95. The sale of oxen
96. The sale of a cow
97. The sale of bees
98. The sale of vessels
99. The sellers and buyers of the fruit of vines and of other stocks
100. The leasing of water-mills and of other such things
101. The division of the inheritance of males
102. The division of the inheritance of those who have sons and daughters
103. The division of the inheritance of women

104. The manner of division of the property among inheritances
105. Those who despise priests and judges
106. Dues from the people to the priests
107. Everyone's boundaries
108. Witnesses and false witnesses
109. If someone is found killed in the confines of territories
110. Foreign women taken captive
111. Fathers giving their sons seniority
112. Perverse sons
113. Those who have died after being condemned to death
114. Lost [animals]
115. Those who set upright four-footed [animals] which have fallen
116. Women's clothing
117. Birds' nests
118. Newly-built houses
119. Servants who flee
120. Those who enter harvests
121. Those who enter their neighbours' vineyard
122. Divorcing wives
123. Those who take new wives not going to war
124. Those who pledge millstones
125. Debts and their pledges
126. Hired servants in general
127. Fathers and sons are not to die for each other
128. Those who pervert the laws
129. The pledge of a widow
130. Those worthy of a beating
131. Those who fight and the wife who rescues [her husband]
132. Corpse-stealers
133. Involuntary murders
134. Laying the foundations of a church
135. The ordination of bishops
136. Those who are deposed from rank and prayer
137. The ordination of Catholicoi
138. Bishops and priests who usurp the see or congregation of another
139. Ecclesiastics irregularly [appointed]
140. Those who abduct betrothed girls
141. Clergy eating meat

142. Ecclesiastical possessions
143. The one who is false to promised virginity
144. Baptising pregnant women
145. Divorcing a fornicating wife
146. Divorcing a wife through hatred
147. Deacons divorcing adulterous wives
148. The impurity of priests
149. The ages of ordination
150. Those who by necessity come to baptism or repentance in whatever manner it may be
151. Provincial priests
152. *Chorepiscopi*
153. Offerings to the church
154. Those who abandon their children
155. Children who abandon their parents
156. Those who eat on Maundy Thursday
157. That bishops are subject to Catholicoi
158. Those who are deposed by a bishop
159. That bishops not be ordained from another see
160. Accused bishops
161. Those who innovate the old custom of the church
162. Not to give the holy species to other churches
163. Those who mingle with foreigners through marriage
164. Bishops who take [the property] of other churches to adorn their own
165. The one who is not of sound mind and commits suicide
166. A possessed woman
167. The unmanly
168. A crippled woman
169. Those who commit bestiality
170. Murder by priests
171. Murder by possessed or other witless people
172. Women's infertility
173. Priests and other unintentional killings
174. Those who kill in war
175. Division among sons
176. Eunuchs and the deformed
177. Those who consume church [property]
178. Conflagrations

179. Artisans who embezzle
180. The division of inheritance among sons and daughters
181. At what ages offspring should be reckoned as heirs
182. Crippled children
183. Wills
184. How it is right to treat funeral expenses
185. Deceit in commerce
186. False witnesses
187. A virgin and a bigamist
188. Betrothed women
189. Men and women who are unhealthy
190. Whether the siphilitic, lepers, the lame, blind, deaf, or dumb
may marry or not
191. Other betrothed women
192. Marriages of young persons
193. Those who have been nourished by the milk of the same
mother
194. Those who alter boundaries
195. Those who repudiate their wives
196. A barren woman
197. Wives who abandon their own husbands
198. Abductions
199. Arch-priests
200. Priests and the dues of the congregation
201. Ministry
202. Monasteries, congregation, and churches
203. Commemoration of the departed
204. Those excommunicated
205. Those who close the doors of the church
206. Men and women taken captive
207. Heirs of a church
208. Houses of priests
209. Monasteries
210. Poor-houses
211. Lodging in monasteries
212. Marriage and the number of kin
213. How people may be joined [in matrimony] according to the
Law and the canons; and if not, who may be pardoned and
who must be separated

214. Ships wrecked at sea
215. Swindlers
216. Those rebuilding villages
217. The general confirmation of sales
218. Dowries of brides
219. Those who fall or are suspended from a tree, and those who fall from a church, or die by a stone [falling] from a church
220. Thieves hung on gallows
221. Those killed by animals
222. A man sent on a journey or other business who suffers death
223. Teachers of children
224. Drunkenness
225. The orders of the church and of the court of the king
226. If anyone sends out on business someone who is not his own [servant]
227. Hired servants
228. Those who build a church in opposition
229. Those banished
230. Exiled kings and those under the same
231. Those who harm animals in removing them from [doing] harm or not
232. If with evil intent or in jest someone scares a horse, and some one falls from it and dies or is hurt, or if from some other animal; or if it is scared without cause on merely seeing someone
233. Involuntary and voluntary murders
234. Those who cause harm through water
235. Doctors
236. Those who strike or use force on someone for some task, from which mortal harm ensues
237. Labourers who work in vineyards, those [working] on a private co-operative basis, and those hired
238. Shepherds and herdsmen
239. Gifts to a church -- land, or water, or a vineyard, or some other such thing
240. Markets
241. All artisans who cheat
242. Hired workers who damage their tools
243. The statutes for the code
244. Those who grind at mills

- 245. Those who send out horses or other four-footed animals to work, or to water or to plough under the temporary control of others, and they are harmed
- 246. The so-called "ground-money"
- 247. Boundaries
- 248. Animals afflicted by an evil spirit
- 249. Joining a minor with an adult in marriage
- 250. Vows
- 251. Those who sell from booty

MXIT'AR'S INTRODUCTION TO THE LAWCODE

Chapter 1

In which is found a reply to those who slander [us on the grounds] that there is no code¹ in Armenia

As we are about to write down the lawcode, first let us set out a refutation of those who criticize the Law of the Lord [on the grounds] that it is not a code; because they are more than a few whose task and argument it has been to honour foreigners² and hold their statutes lawful. Because they themselves stumble, they thereby cause many of the simple-minded to stumble. To them let us first say this, that it is natural for us to choose the just at the very beginning – in accordance with which even the wise among the heathen condemned to death those who dishonoured god, and [condemned] to the cutting off of one hand those who tortured their fathers, and the others to similar right judgment. But the Law is conducted in a superior way, taking its cause from natural laws, that he who dishonours his father should die,³ and similarly in other matters.

But the Gospel of our Saviour is the fulfilment of them both. Wherefore it commands: "Such was said to those before, but I say this to you."⁴ For although the Law and the Gospel recall the natural law as if it had been forgotten, yet the Law does not suppress free will, by saying to those earlier ones: "You will love your neighbour as yourself,"⁵ because it is natural to recognise love of self. And the second,⁶ more especially than the first, entrusts to the will instruction⁷ and furthermore good conduct, whereby it is confirmed to exist among us and that we should conduct ourselves justly with regard to

¹ Code: *datastan*. The term may refer to judgment or litigation in general, or to a specific decision or statute; cf. also ch.5. "Lawcode" just below renders *girk' datastanac*, lit. "book of judgments."

² Foreigners: *aylasers*, lit. "of a different genus" [which is contrasted with "homogeneous" in David, *Def.*, p. 24]. MG, p. 2, line 24, makes it clear that non-Christians are intended. His usual expression for Muslims, as in other Armenian writers, is *aylazgi*, the standard term for the Philistines in the Armenian Old Testament.

³ Ex. 21.15. The "Law" is the Pentateuch.

⁴ Mt. 5.21-22.

⁵ Mt. 19.19, referring back to Lev. 19.18.

⁶ I.e. the Gospel.

⁷ Instruction: *ašakertut'iwn*, perhaps "study [of the Law?]."

everyone. For which reason the Gospel was not handed down in writing at the beginning.⁸

[2] Secondly, [Christ] came to place perfect laws among the perfect. He did not wish to hand down a code in writing like [that] of the imperfect;⁹ hence he advised to be reconciled on the road with one's rival,¹⁰ lest one be handed over to the sentence of a judge.¹¹ And on occasion by the parable of an unjust judge¹² he clearly demonstrated that one should conduct everything with scrupulous mind,¹³ which he called a judge, and likewise the affairs of a court. He indicated the same in parables of the steward.¹⁴ Although at first unjust, yet later [he became] praiseworthy by his repentance, whereby he did not enter into the tribunal of judgment to give reckoning. By saying: "Give account of your stewardship,"¹⁵ he showed he was subject to judgment, but by praising him [he showed] it is possible not to need judgment. For this reason he declined to make judgment on the one who requested: "Tell my brother to divide his inheritance with me,"¹⁶ as if he might say: "You have a double reason to choose yourself what is just, why do you need another's judgment?" From this the Apostle learned, when he said: "Because there are many lawsuits among you, why do you not accept deprivation and affliction, but you deprive and afflict – and at that, your brothers?"¹⁷

Third, he wished that we might not be forced to go to law against each other with a written code, but that we might preserve righteous judgment through love and sympathy according to the various times by unwritten laws.

Fourth, because he reckoned it sufficient that there be as it were a seed¹⁸ in the souls of those [who lived] according to the Law and the

⁸ See also p. 3, line 17. But in the *Teaching*, §700, it is stated that the Apostles wrote down the gospels as canons, though they spoke more things orally.

⁹ I.e. the written Law of the Jews.

¹⁰ Rival: *osox*, used of an adversary in court; cf. SR §40.

¹¹ Mt. 5.25; Lk. 12.58.

¹² Lk. 18.2

¹³ Scrupulous mind: *xilč mtac*, "conscience," frequent in Paul.

¹⁴ Lk. ch. 16.

¹⁵ Lk. 16.2.

¹⁶ Lk. 12.13.

¹⁷ I Cor. 6.7-8

¹⁸ Mt. 13.24 and parallels.

Gospel, and that they conduct themselves in accordance with these in matters worthy of judgment.

Fifth, because the details of the code of the Law, or of the Prophets, or of the Gospel, are not equally inflexible, but because they always necessarily change according to nation and countries, he justified leaving it to the experts to test according to circumstances.¹⁹

Sixth, [scripture] writes that judgment is confirmed by an oath. But the Lord prohibited that,²⁰ wishing us to be total believers.

Chapter 2

Concerning why we wished to compose [this book] now, and at whose instigation we reached this intention

Although it was said above that it was not necessary for a code to be handed down to us in writing by the Lord, yet now we wished [to do so], because often we have heard blame not only from foreigners²¹ but also from Christians that there is no code at all in the Gospel, since they are ignorant of the divine will therein. Such an opinion is vitiated in two evil respects: first, the lack of understanding of the [3] legislator,²² and second, the human race not wanting to live in equality.

Second, because evil extinguished the natural law in us;²³ and imperfection of the soul, perfection; and hatred, the sympathy of love.

Third, because we were unlearned in the Law, the Prophets, and the Gospel through laziness, we were unable to discern the details of the code by their power, we reckoned it appropriate to arouse it²⁴ as if from sleep through the lawcode.

Fourth, because expertise had diminished from among us to test according to time and nation and country the variation [of the law] according to circumstance,²⁵ and it did not remain inflexible like the Law and the Prophets and the Gospel.

¹⁹ Experts: *hmtagoyn*. There is no reference in the NT to *hmut*; "erudite;" the closest parallel is in Dan. 1.4.

²⁰ Mt. 5.34.

²¹ Foreigners: *aylasers*; see n.2 above.

²² Legislator: *awrinadir*. This [and close variants, e.g. *awrēnsdir*] is the standard Armenian term for Muhammad. MG seems to mean that the Muslim code, as well as ignorant Christians, lacks understanding of Christ's message.

²³ For MG and natural law see further below, p.23.

²⁴ I.e. our laziness.

²⁵ MG frequently stresses the variation of regions and customs; cf. p.6, 146.

Fifth, because the holy Spirit does not operate now, as once on Daniel and Solomon, or as at Corinth among the believers and on others,²⁶ to make judgment truly, for which reason they did not need a lawcode since the law was in their hearts according to the promise of the prophet.²⁷ Accordingly the apostles did not wish to give the Gospel in writing until they needed it; hence they did not hand down a code in writing.²⁸ Because they were concerned with the most urgent [things], they too permitted [people] to live under natural law and civil discipline and other previously mentioned principles. But the writing down of it now has as cause the errors of everyone.

Sixth, because matters of law are discharged by an oath, and that was not allowed by the Lord – though it often occurs among believers now, even on frivolous occasions, and to no purpose both in court and outside. In such a matter we did not wish to break the Lord's command, but to establish in a code laws and canons for breaking it,²⁹ in accordance with the need for writing down the code.

Seventh, lest for the reason that the code does not exist in writing, people have recourse to foreigners,³⁰ according to the complaint of the prophet: "Is it from the non-existence of God in Israel that they go to question Beelzebub."³¹ This the apostle clearly reproves, saying: "But brother litigates against brother, and that among unbelievers."³²

Eighth, we see now that many of the bishops and *vardapets*³³ and priests and of the head laity often through partiality and bribes, and also through ignorance, pervert right judgment. For which reason we have set down this lawcode to correct them and reprove them in brief.

Ninth, because our created nature is forever forgetful of the good in accordance with the various afflictions of soul and body; and at the

26 Acts 19.6.

27 Jer. 31.33.

28 Cf. above, n. 8 to p. 1, line 24.

29 I.e. to regulate the legitimate occasions for taking an oath.

30 Foreigners: *aylaser*, as n. 2. Hereafter MG uses *aylazgi* or *Mahmetakan* for Muslims.

31 IV K. 1.3. Beelzebub ["lord of the flies"]: *čančik*, "fly," as the Armenian biblical text.

32 I Cor. 6.6

33 The role of the *vardapets* in assisting the bishops in legal matters is often stressed by MG. See the discussion in the Introduction, p.43-46.

time of judgment, although we might wish to act correctly, very often from forgetfulness we make a mistake, and repenting later we are in doubt and troubled by thoughts of whether or not [a law] exists. [4] Lest this occur we have composed this lawcode for the sake of remembrance. What at that moment we cannot recall, on taking it into our hands we shall recall; and we shall indicate to foreign races that we live by a lawcode, so that being put to silence thereby, they may not become reproachful of us.

Tenth, grace came first in the creation of the soul for the sake of the image;³⁴ and at their turning to evil he said that soul did not remain in mankind as they had become flesh.³⁵ Hence also the Lord, wishing to undertake the same for us, confirmed the judgment of the Spirit - that is, the Gospel and canons - knowing that by necessity the judgment of the body is made by corporeal persons. And because again we became flesh, let us serve again the body by the writing of the code.³⁶

Eleventh, so that judges might always be fearful, knowing that they are to stand before the heavenly judge, [and act] with unerring knowledge with the written code as model.

Twelfth, that those judged might in like manner be in terror. For if they are unable to justify falsehood before men, although they often deceive the judges, what will they do there [before Him] who sees the depths [of the soul], before whom there is no justification by deceit?

The reason for this lawcode is contained in these twelve headings, because twelve is composed of two sixes, and six is the first perfect number - which may be explained as follows.³⁷

First because it is composed of three - an odd number - and two - an even number; and every number is either even or odd.³⁸ Second, because it is the number of creation.³⁹ Third, because it is the measure of the body's movement.⁴⁰ Fourth, because it is the number of the

34 Gen. 1.27.

35 Gen. 6.3.

36 This paragraph is not clear. MG seems to be saying that the body is to the soul as secular law is to canon law; see further at the bottom of p.5.

37 For six as the first perfect number see David, *Def.*, p. 54; hence there are six definitions of philosophy.

38 David, p. 112.

39 Gen. ch. 1.

40 I.e. up/down, forwards/backwards, right/left.

body's faculties.⁴¹ Fifth, because it gives birth to the other oblongs.⁴² Sixth, because it is composed by its factors;⁴³ and by doubling produces the number twelve. And twelve, when its factors are added, produces sixteen⁴⁴ – the two perfect [numbers], ten and six. And there is the hidden significance⁴⁵ of the twelve apostles, the judges of the world, because they begat other judges for the church. And six has an even and an odd, which is active and passive. It is for judges to be active, and for those judged to be passive.⁴⁶ In the same number was the coming of the heavenly judge, in that he saved the righteous one from six afflictions,⁴⁷ and in the same number sent the tormentors of Israel with axes.⁴⁸ Let these examples be sufficient for this, because we did not propose to investigate the nature of number but [to declare] that it was not pointless that this lawcode be completed in twelve chapters.

But by whom were we stirred to write this?

For a long time I have been concerned about this, wounded by the fact that our own and foreign races reproach us. But I was not able to pluck up courage for the task, knowing my own weakness. In this regard brother Paul,⁴⁹ beloved disciple of the divine scriptures, heard our hesitation to compose [the book], and he admitted to greatly desiring this. Increasingly he began to bestir us with pressing arguments. Even so we did not wish to become involved, but I planned to request other competent persons who were able to carry out this needful enterprise, for there were indeed many. [5] But because I knew our nation's unreceptiveness⁵⁰ – and therefore I did not wish to importune anyone to this – from then on I too was silent.

41 Faculties: *nergorcut'iwn*. Cf. Yovhannēs Awjnec'i, *Opera*, p. 54.

42 Six is the first "oblong" number: Philo, *In Gen.*, II 45. Oblong numbers are produced by multiplying unequal factors [here: 2 and 3].

43 I.e. 1+2+3.

44 I.e. 1+2+3+4+6.

45 Hidden significance: *xorhurd*, "mystery," used of the typology of the OT fulfilled in the NT. For other Armenian interpretations of 12 see Thomson, "Number Symbolism," col. 132.

46 MG plays on *krakan*, from *krel*: "passive" and "to suffer, endure."

47 Job 5.19.

48 Ez. 9.2, 6.

49 Paul: *HAñjB*, no.20; see also p.25 below. He is not attested elsewhere.

50 I.e. unwillingness to respond to requests.

I was astonished why it had not been composed by our fore-fathers. And I realised it was the same reason – because the Lord had not entrusted it to the apostles; or because no one had invited [another], nor had they undertaken it in person, being terrified of critics; or they had no time from persecutions and disturbances;⁵¹ or they had fallen under the authority of other nations and conducted their affairs by the latters' code. Although the same reason that the lawcode should not be handed down in writing had occurred throughout our own time, as in the days of our fathers, yet even though it had not been given by the apostles, nonetheless it was necessary to be put into writing, as was indicated above. Such was the origin of this undertaking.

We met lord Step'annos, by the grace of Lord Jesus the Catholicos of the Aġuank',⁵² and again there was mention of the same matter. He urged and pushed us, saying: "I would be very grateful for the completion of your enterprise." We expressed our weakness, as [mentioned] above. But when he repeated his encouragements, we decided that it was right to heed a spiritual command, so that if it was from the Lord, it would be fittingly accomplished in judicious fashion, for perhaps this proposition was from Him. But if not, it would then be a reason for some more accomplished persons to be stirred to the same task. Not every task and undertaking is brought to completion from the beginning by a single initiator, but by many people; for sharing [in the task], when gathered together they bring the artefact into reality according to the simile of the weavers.⁵³ I also regarded it appropriate to be hesitant by the fact that I must enter the unbribable and inexorable court. Accordingly, I sketch out this plan of the project.

So let no one criticize what I have said; for if anyone is ignorant let him learn, and if he is perfectly wise let him complete what is lacking. We are ready to meet both in friendship.

51 MX, I 3, offers a similar excuse, "because of incessant wars," for the lack of an earlier History of Armenia.

52 Step'annos: *HAnjB*, no. 97, Catholicos of Aluank' 1155-1195. See MG's Introduction, p.24.

53 Ex. 35.35.

Chapter 3

An indication in sufficient measure of the significance of the present enterprise, with an entreaty to lord Step'annos, Catholicos of the Aṭuank'

Because it is necessary after this to indicate in a few words the importance of the present undertaking, I beg you, O honourable head of the holy churches of our house of Aṭuank', not to consider as pointless the spiritual obligations which you imposed on me; for canon law also has a code which we must incorporate into this one, so that the latter's scope may be clear.

So let us compare them as follows. Canon law is the director of the soul, and the latter [director] of the body.⁵⁴ Although they are separate from each other, yet in many things they are united, just like soul and body. By nature they are two, and by unconfused mingling⁵⁵ one; often they act together with a single intention. [6] Therefore, although it happens that they operate with one rule, they are not mutually dissolving. Just as with the one the decision of the matter in question is for the experts,⁵⁶ so also with the other. Just as with the one punishment is inflicted on transgressors and sinners according to the varied circumstances, likewise with the other. Just as for the insolent prison and bonds follow, likewise with the other excommunication is the prison and bonds.⁵⁷ And because for the just there are no canon laws, neither are there neither for those who live honest lives. Because a just man is not frightened of a heavenly judge, neither is he of an earthly one.

I request that attention be paid in accordance with the second argument; for in no small way does [the code] profit us, because all the writings [of the laws] concur in scope. The intention of the one is to diminish sin, that of the other is likewise to curtail evil. And these

⁵⁴ For the relationship of canon and secular law see the Introduction.

⁵⁵ Unconfused mingling: *anšp'ot' xatnumn*, a rather daring metaphor, since this is a technical expression used in Christology. *Xatnumn* is a standard Armenian term for the union of God and man in Christ; see Thomson, *Teaching*, pp.18-21. For "unconfused" see Lampe, s.v. *asugxetos*.

⁵⁶ Experts: *hmtagoyn*, as above, p.2, at n. 18.

⁵⁷ Excommunication: *banadrank'*, rare outside the canons and only here in MG, who uses the simple *ban* on pp.117, 118, 141. The verb *banadrel* is used on pp. 88, 117. Similar in meaning is *kapel*, "to bind," p.34.

have no other purpose than to make us of like mind and compassionate, by which love is confirmed, the chief of all commandments.⁵⁸

Now, likened to a fourth virtue, it is equal to righteousness, because it is superior to the three parts; accordingly it is able to make the unequal equal.⁵⁹ And this is according to the third argument.

Among the arts it is likened to the goldsmiths, whose gold at first is hidden among the elements; and when with difficulty it is discovered, [only then] is it worked. This is according to the fourth argument. Fifth, it has the power of the poet to trim away and peel off all superfluities.⁶⁰

Briefly⁶¹ in these headings we have given indications, as to a wise man, whereby you might be able to know how much profit and gain there will be for our common life by following them. For [Paul] writes that all war and troubled disturbance derive from its diminution;⁶² and when it is established in church it will be a cause of peace and of much good order, because it was given as one part of the divine grace to the churches, to the old and the new.⁶³

Chapter 4

Concerning who are judges, distinguished from each other as true and improper

The first judge of all is God according to the saying: "God judges his peoples,"⁶⁴ and elsewhere: "The Lord is our judge,"⁶⁵ and: "God scrutinizes hearts and reins,"⁶⁶ and again: "Arise, God, and make your judgments,"⁶⁷ and: "God is a just judge,"⁶⁸ and other such sayings [7] symbolic of the administration of judgment. Whereby it is clear that judgment is a feature of mankind, because there is no judgment of

58 I Cor. 13.13.

59 I.e. this fourth virtue [after faith, hope and charity] makes the odd number three into the even number four.

60 Poet: *k'ert'ot*. MG here makes a pun, "to peel off" being *k'ert'el*.

61 Briefly: *č'ap'aworapēs*, as in the title: "in moderate measure."

62 I.e. of law.

63 I Cor. 14.33; MG elaborates on this just below.

64 Ps. 134.14, with many parallels.

65 Is. 33.22, with many parallels.

66 Ps. 7.10.

67 Ps. 73.22.

68 Ps. 7.12.

incorporeal or insensible [creatures] - although animals which kill are put to death for the sake of instilling fear in mankind.⁶⁹ And there was a falling of demons to judgment, and that occurs, but not always.⁷⁰ Therefore at the coming into being and the formation of man, the name of judgeship was instituted, which is "Lord."⁷¹ In accordance with his dispensation the same [Lord] indeed said: "I have come to this world for judgment,"⁷² and: "The Father judges no one, but he gave all judgment to his Son,"⁷³ and: "This is judgment, for the light came to the world,"⁷⁴ and other such sayings. But the name God does not distinguish the nature; for as the Son is judge, so too the Father and Spirit are judge, according to those testimonies and its nature. Yet it is not difficult to demonstrate the individuality of judging of the Father and of the Spirit according to the saying: "Make judgment on me, O God,"⁷⁵ and: "Judge those [who judge me],"⁷⁶ which befits the Father and the Spirit. And he will come and reprove this world for its sins, and for the sake of righteousness, and for judgment, and whatever are similar to these.

Second, he gave the title of judging to mankind according to the saying: "Make judgment for the orphan,"⁷⁷ granting it equally to kings and princes and elders of the people, prophets and priests. Among these see Solomon,⁷⁸ and those after Joshua,⁷⁹ and those whom Moses appointed in the desert,⁸⁰ Daniel,⁸¹ and those the prophet mentioned:

⁶⁹ See ch. 66.

⁷⁰ The meaning of this sentence is not clear. The version in *B* refers to a single judgment of demons which, according to the version in *G*, occurred when God threw Satan from heaven.

⁷¹ The word "Lord, *tēr*," is not used in Genesis of the created world in ch. 1, but first appears with regard to the creation of man in ch. 2.5. The "formation of man, *mardoyñ kazmac*," is reminiscent of the title of Gregory of Nyssa's treatise which was translated by Stephannos of Siwnik' in Constantinople circa 715. The Armenian version remains unpublished.

⁷² Jn. 9.39.

⁷³ Jn. 5.22.

⁷⁴ Jn. 3.19.

⁷⁵ Ps. 42.1; cf. Ps. 7.9.

⁷⁶ Ps. 34.1. The words "who judge me" are in the text of *G*.

⁷⁷ Ps. 91.3.

⁷⁸ I K. 3.9.

⁷⁹ I.e. the book of "Judges."

⁸⁰ Ex. 18.25-26.

⁸¹ I.e. in the story of Susanna.

"The priests will preside over the judgment of blood."⁸² He gave it universally, although it is one of the gifts according to the old testament.⁸³

First, lest from a judge not being nearby, acts of injustice might cause harm.

Second, although by necessity there is one [judge at a time],⁸⁴ all enjoy the gifts, the type of the example of the first Exodus. Now the Lord said through the apostles: "Sit on the twelve thrones to judge the twelve tribes of Israel,"⁸⁵ which in succession the prelates⁸⁶ of the churches have taken on according to their own nations. Likewise the Lord showed each person to be judge of himself in the parables of the unjust judge,⁸⁷ so that among us minds might preside over sensations, and they might act equally like judges, being unaffected by iniquities, and filling the soul with righteousness, embellished with a perpetually irreproachable life.⁸⁸ [8]

Chapter 5

Concerning what judgment is, and for whom, and to whom the matter of judgment is to be entrusted

This noun consists of a thing and a place.⁸⁹ Of a thing, "to judge," which is to examine; and of [the suffix] *-astan*, which is a place; and by transformation *-aran*, which is lawcourt and place of enquiry. For the process of justice is conducted through enquiry by an examining judge

82 Ez. 44.24.

83 Gifts: *šnorhk'*, cf. Rom. ch. 12. MG refers just below to Exodus, i.e. Ex. 3.12, etc., for "grace, favour."

84 There is one: all MSS read *patahin*, T'orosyan follows the emendation of Karst, Smbat, II, p.344 note, *patahi min*. The text in G reads: "Although there is one judge in a city ..."

85 Mt. 19.28, Lk. 22.30.

86 Prelates: *araj̄nord*, "leader, chief." It is widely used of the head of the church in a region, but does not specify precise rank; on p. 33 it refers to abbots.

87 Lk. 18.1-8.

88 Irreproachable: *anparsaw*, as Titus 2.8.

89 Noun: *anun*, defined in the Armenian of Dionysius Thrax, par. 13, as "body, *marmin*" or "thing, *ir*." "Place" is defined as an adverb, par. 20.6. Dionysius does not include these suffixes in his discussion of "suffixes, *storadas*." *Datastan* has a range of meanings; see above, n. 1; *dataran* is the court, see further ch. 6. Place of enquiry: *znnaran*; although the verb *znnem* is common, there is no other reference to this noun in the NBHL.

of the plaintiffs and the accused⁹⁰ in a place. For there are many such [suffixes] among names: Hayastan and Asorestan,⁹¹ and others similarly.

Now it was earlier shown in our discourse that judgment is made for people according to their nation. But now it must be explained for which people. Clearly there is no judgment of good men, nor is there one of obviously evil men, but it is of that which is unclear between the two. For there are three ways in which men live: good, and evil, and middle. And judges must distinguish not the obvious thieves and not the man testified in good works, but those among whom there is evil by suspicion. Just as Solomon investigated the supposed deeds of two women,⁹² and Daniel revealed what had been said falsely by the elders,⁹³ likewise the Lord at the end will indicate to the really just, saying: "Come, blessed of my Father," and to the sinners who have no share in righteousness: "Go, accursed, to the fire."⁹⁴ Whereby it is clear that judgment applies to the middle cases. Here the middle ones are those repentant, whose deeds of repentance must be balanced against their sins; and the greater wins the decision. Taking the two extremes, [Christ] showed he would summon some without judgment by praise of their deeds, and some he would deny by blame of their deeds. From which we learn that judgment occurs between the extremes to those in the middle. So it is very necessary for judges to have expertise in these things – in deep study, and intelligence, and knowledge of divine and human matters – in order that he may conduct the court of justice without errors – and likewise in eloquence and good sense – lest inevitably he make mistakes.

Now to whom is it to be entrusted? For according to the Law judges were ordinary persons,⁹⁵ and by chance they became kings, or princes, or prophets, or priests, as was said previously. But because amongst us such a rank has been lost, one must entrust the administration and code

90 Plaintiff: *dataxaz*, rendering the Greek *katēgoros*; in MG it often means "litigant." Accused: *ambastaneal*, the one accused. See Acts 25.16 for the two terms.

91 MG has not noted that the vowel *i* + *a* will give *e*. Thus *Hay* + *astan*, but *Asori* + *astan* > *Asorestan*.

92 III K. 3.16-18.

93 Dan. 13.

94 Mt. 25.34, 41.

95 Ordinary persons: *yatukk'*. *Yatuk* means "specific, separate, private," but it is not used in the OT.

of justice to the bishops,⁹⁶ because there is no one among us from among the laity learned in secular wisdom, or like a scribe of Israel. Since these [bishops] have now taken on care for the churches and the laity, and [only] by chance princes and heads of the people, or learned priests and *vardapets*, nonetheless let the bishops be entrusted with this matter. But let no one confront me with ignorant bishops [9] and those who have received their rank by money,⁹⁷ and unlearned ones incapable of this business, because I am not ignorant. We have indicated the appropriate and fitting rank. If they are not capable, let them act through colleagues,⁹⁸ laymen or priests or experienced *vardapets*. Let him [the judge] be henceforth without reproach, not giving suspicion of arrogance or pride. Let the true dispensation of judgment to others be a cause of instruction for him.

Chapter 6

The qualifications of judges, accusers and litigants⁹⁹

It is right for judges to be unbribeable – for according to scripture a bribe blinds well-seeing eyes¹⁰⁰ – so that he may be forthright in a court of law by not accepting a bribe for justice, and may indicate the correct sentence in his decision. "Not with partiality, as indeed the Lord said, but make just judgment,"¹⁰¹ lest the minds of the weakest stumble and be wounded, and be used as an excuse [for criticism] among the foreigners;¹⁰² but in order that he may be forthright to say according to the Lord: "Although it is I who judge, my judgment is just."¹⁰³

⁹⁶ For the role of bishops and *vardapets* in administering justice see the Introduction, p.44. MG makes it clear in ch.1 of the Code proper that Armenia is now bereft of a king to act as the head of a secular legal system.

⁹⁷ For simony see also p.151.

⁹⁸ Colleagues: *gorcacic'*, "co-worker, assistant." On p.10 below MG warns that assistants may be suborned by the litigants.

⁹⁹ Accuser, litigant: *ambastan*, *dataxaz*: both render *katēgoros*, Acts 25.18.

¹⁰⁰ Ex. 23.8, not an exact quotation; cf. Deut. 16.19. Cf. also MX, III 68, for judges accepting bribes. MG frequently alludes to bribes; see the Index, and also the *Kanonagirk'*, passim.

¹⁰¹ Jn. 7.24.

¹⁰² Foreigners: *aylazgi*, widely used for Muslims; cf. n.2 above.

¹⁰³ Jn. 8.16.

Let him not seek his own advantage, but adapt the mind of many to himself and make prompt judgment through a true decision. Although in everything he should recall mercy, yet he should be careful in judgment, to keep smooth and equitable the right for both sides, not as if humbling himself for mercy to the poor, according to the saying: "Do not pity the orphan and widow in court,"¹⁰⁴ lest it be a cause for stumbling. [Rather] it was said: "to make judgment for the orphan and to give justice to the widow"¹⁰⁵ in court. Although this must be observed by judges, yet let them teach each side not to be violent with each other, but that the powerful humble themselves with mercy to the weak.

Let him not hear only the statement of the accuser or of the litigant; and if he does hear [one side], let him merely learn [the charge] but not give sentence until both sides are fully investigated.

With two or three reliable witnesses let him give sentence, according to the Law.¹⁰⁶ And what "reliability" may be, or why with two or three [witnesses], we shall explain after this chapter.

Now for him who has no witness, let sentence be passed on the oath of the other side. But we do not command oaths, since it was forbidden.¹⁰⁷ [10] But for those impious and unpermitted customs which they have we prescribe canons and penances. Now how the oath should be performed, and by whom, will be set out in its own chapter, not as legislation but as advice.¹⁰⁸

It is necessary and appropriate at the time of judgment for the judges to have two or three experienced men, of whatever ranks, to be accurate witnesses for them of the trial.¹⁰⁹ For just as the claims of opponents are authenticated by witnesses, likewise the judgment of judges should be without suspicion through witnesses. This custom

¹⁰⁴ Ex. 23.3, not an exact quotation.

¹⁰⁵ Is. 1.7.

¹⁰⁶ Deut. 19.15, and many parallels. See ch. 7 of the code for rules concerning witnesses.

¹⁰⁷ I.e. by Christ; see the end of ch. 1. "We" means Christians in general.

¹⁰⁸ Advice: *xrat*, which can also mean "punishment." MG frequently addresses the distinction between secular and ecclesiastical penalties, and indicates that his own opinions are "advice" not legal prescriptions; see further the Introduction, p. 33.

¹⁰⁹ These are "court assessors" rather than witnesses for either side in a dispute. Cf the "colleagues" on p.9 above.

the Romans too observed formerly, to employ in perpetual examination 72 chosen men for trials and other matters, so that these might be accurately judged by them in advance.¹¹⁰ They chose 72 according to the languages of the nations, as if to have through them the wisdom of all nations.¹¹¹ But now they appoint twelve judges, according to the number of the twelve apostles,¹¹² not only to choose what is right and unfailingly preserve what is just, but also by the testimony of many to assure the accuracy of the court of justice. The Greeks, however, appoint three judges, likewise also the Georgians who learned from them,¹¹³ according to the number of the Trinity, or according to the number of witnesses.¹¹⁴ So too we must choose three competent persons; so that at the time of judgment the bishop, since he is judge, may associate with himself two or three not only as witnesses, but also through them to make examination and be informed at all times.

By night and by day it is necessary for judges to meditate, not only on the reading of technical¹¹⁵ texts or words of the codes, but also to hunt out the sayings of wise men according to each one's nation. Although a specific judicial topic may not be encountered, yet taking the import by comparison of these sayings, let him be continually strengthened. It is very right for them to be perfect in every kind of virtue, especially in calmness and an unenvious way of life at all times, particularly at the moment of judgment, lest because of anger or envy the hearts of those judging be troubled to twist judgment. Let those judging be broad-minded and forgiving. And because matters are often unclear, let them not resolve it impatiently; but let them keep and store it up and review it at leisure, and resolve it through a later court, however often they have to take it up again.

Let them rebuke the disputation of rivals in court, lest there be a tumultuous disturbance in the court and a cause for the obstruction of justice. Let the plaintiffs also be instructed not to come to court for the sake of a quarrel, but in order to receive worthy sentence compassionately.

110 I have not traced MG's source here.

111 For the 72 languages and 72 nations cf. *Teaching*, §503, 612.

112 For the number 12 cf. above, p.4.

113 The Georgians, *Virk'*, are often cited as examples of local customs, e.g. p.25, 32, 96, 120.

114 The minimum number of witnesses is two or three; see p.9.

115 Technical: *bnabanakan*, lit. "scientific, pertaining to physics."

Let them allow each side to speak in order, with one being silent, so the truth being ascertained, sentence may thereby be carried out.

Let the judge also beware of his own assistant attorneys,¹¹⁶ for accusers and litigants have the habit of hiring them to speak in court. Let him not be bewitched in his ears at their arguments and fall outside just judgment. Only the heavenly court is conducted with an undeceived justice, in that it sees the inner depths of everyone. But let this earthly one be irreproachable without willful error; [11] and let the willful stand under condemnation of the tribunal on high.

Let not judges become presumptuous and forget themselves, but let them know that: "One is the judge of all, God,"¹¹⁷ according to scripture. In all his deceits let him consider that the prophet Habakkuk called God "avenger of the unjust judge."¹¹⁸

The judge has prison for the punishment of the insubordinate. The commands of the Lord give warning in their expression, and the officer¹¹⁹ casts them into prison, whereby they must of necessity behave. But the Lord indeed advises accusers and litigants to settle their account on the road,¹²⁰ lest something untoward occur.

It is not fitting for the disciples of Christ to speak falsely for either side with premeditation, because falsehood is from the Evil one. When falsehood is spoken it is spoken by its own, because its father Satan is also false.¹²¹ "The Lord destroys the one who speaks falsehood."¹²² So do not be false to each other, and: "Let each one speak the truth with his companion,"¹²³ because falsehood with deceit is sufficient for torment despite scruple.¹²⁴ It is not consonant with the Lord's law to set snares for each other through arguments in court,

¹¹⁶ Assistant attorneys: *spasawor atenaxaws*. The only attestation of *atenaxaws*, "speaking in court," in the *NBHL* is of the emperor Michael addressing his magnates in audience, Aristakēs, p. 103. Since they are called "his own," these would seem to be the "colleagues" of n.98 above who, theoretically at least, assist the judge. For attorneys hired by the litigating parties see also the "orators" of p.11.

¹¹⁷ A conflation of Jam. 4.12 and Heb. 12.23.

¹¹⁸ Cf. Hab. 1.3-4, not a direct quotation.

¹¹⁹ Officer: *dahič*, only here in MG, but widely used of prison officials or executioners; see the next note.

¹²⁰ Cf. Mt. 5.25; Lk. 12.58.

¹²¹ Jn. 8.44.

¹²² Ps. 5.7.

¹²³ Zach. 8.16; quoted in Eph. 4.25.

¹²⁴ I.e. can lead to hell despite later recantation.

whereby they try to catch each other. "For he who sets a snare for his companion will fall into it himself."¹²⁵

Let it not happen among the faithful that they behave with contentious injustice to each other in the public square. For if he wins, he despoils himself; and if he loses, he endures shame.¹²⁶

Let them not set up false witnesses for denial or in the desire for his fellow's possessions, which the Law forbids to both parties.¹²⁷

Let it not at all be allowed to have for a fee some eloquent attorneys,¹²⁸ whereby they bring the evil [side] to final victory.

Let them not by disputation insult each other and force each other to the disclosure of the court.

Let him not bribe the judges in order to plunder his colleague, being passionate for avarice, because: "That is the root of all evils."¹²⁹ Let him heed the apostle [who said] elsewhere: "Why are you not deprived and afflicted, but you deprive and afflict – and at that [your] brothers?"¹³⁰ Let them be fearful of the command of the apostolic canons, which have written concerning the Lord that: "He was struck," rather than "he struck;" "he was insulted," rather than "he insulted."¹³¹

Let them not pointlessly fill the public square with oaths before the sentence of the judge, for the word [of scripture] forbids swearing.¹³² Let them know the saying of the Lord: [12] "For every vain word men will give account on the day of judgment,"¹³³ and elsewhere: "For all this God will bring you to judgment."¹³⁴ Let him reflect on this, that it is better in court to accept the loss of possessions joyfully and to keep oneself without fault, than to be avaricious and impa-

¹²⁵ A conflation of several OT passages; cf. Sirach 27.29.

¹²⁶ Wins/loses: lit. "conquers/is conquered."

¹²⁷ Cf. Ex. 16.17 = Deut. 5.20.

¹²⁸ Eloquent, attorney: *čartasan*, *atenaxaws*. *Čartasan*, "eloquent," is used to render the Greek "sophist," see NBHL. For hired lawyers and their use by Muslims see p.21-22. SR, §68 notes that men legally *naxataj* are deprived of the assistance of paid attorneys, but MG has no reference to persons "legally infamous."

¹²⁹ I Tim. 6.10.

¹³⁰ I Cor. 6.7-8; cf. above, p.2.

¹³¹ Cf. Mt. 26.68 and parallels, and I Pet. 2.23. The canon is 25 of Clement [see KHI, 81], but is not here quoted verbatim.

¹³² Mt. 5.33; emphasized above.

¹³³ Mt. 12.36.

¹³⁴ Eccl. 11.9.

tient, and enter the inflexible tribunal of the fearsome and heavenly judge. Let them be advised of this, that first they should look for help from the Lord through prayers, and then they should stand in the court of judgment, aiming for what is right and just. If He will give it and the just is not overcome, they will be grateful to him, because the Spirit of his Father gave them a mouth [to speak] and wisdom.¹³⁵ But if according to providence the Lord gave the just one into the hands of the unjust, let them merely endure it with thanks; for they will acquire a better recompense and will leave the desire for vengeance to the Lord, according to scripture.¹³⁶

Chapter 7

Concerning witnesses, what their reliability should be, and why two or three are chosen

Of necessity the lawcourt requires witnesses. Since litigants stretch out and extend the disputes, through these the judge may resolve them, since the judge cannot trust the opposing arguments until their arrival. For they come to these [disputes] forgetting the law: "To consider [the benefit] of one's fellow and not one's own."¹³⁷ Through them likewise rather than by the judge rivals are calmed, when they are freed from the doubts induced by hired [lawyers] and the judgment of the court is rendered trustworthy.

Now their reliability is discerned first of all by their way of life, as being speakers of the truth and not having come to the courthouse through bribes. Let them not be near relatives of the litigants; and if they are, let their habits be trustworthy to many, so they may be accepted. Second, what is reliable is established by two or three, like the sun and the moon, because these have been established in heaven as a reliable witness.¹³⁸ Third, let them be doubly honourable with white hair, whereby greater respect may be shown to them.¹³⁹

But it is necessary to show the reliability of the ages [of witnesses]. It is as follows. At the age of three years comes speaking, and learn-

¹³⁵ Cf. Mt. 10.19-20, Mk. 13.11, Lk. 12.11-12.

¹³⁶ Sirach 28.1; cf. Rom. 12.19, Heb. 10.30.

¹³⁷ I Cor. 10.24; cf. Rom. 15.2, Philip. 2.4.

¹³⁸ Cf. Ps. 8.4, 73.16, 88.37-38.

¹³⁹ For the respect due white hairs cf. the (sarcastic) comments of T'ovma Artsruni, p. 224.

ing at seven years, and the age for begetting¹⁴⁰ at fourteen years, and military service at twenty years, and priestly rank at twenty-five years. So it is appropriate to reckon the priestly age reliable for testimony.¹⁴¹ For if he is trustworthy to stand before God and be a witness to the deeds of the congregation, he will be even more trustworthy before men.

[13] The rank of begetting children will be trustworthy for the exchanges of trade. For if he is trustworthy to sell himself and his procreative ability for a wife and to buy a wife for marriage,¹⁴² he will be trustworthy for the exchanges of trade.¹⁴³

So if it happens that one witness is young according to demonstrable age, and the other old, let him be accepted according to the saying: "The young with the old,¹⁴⁴ and [if] his paths are straight." And if the two or three happen to be young, according to that saying let them be accepted.

Now with regard to the religion of [other] peoples, it is not right to accept the testimony of unbelievers concerning Christians, although they may be just and many – just as the Lord did not accept that of the demons, although they gave just testimony,¹⁴⁵ for they had false also mixed with the true. Likewise Paul did not accept it, lest some unity be suspected.¹⁴⁶ Nor that of schismatics;¹⁴⁷ for if they are not

¹⁴⁰ Begetting: *sermanel*, the age at which a male produces *sermn*. It is more precisely expressed just below as *ordecnut'iwn*, "begetting of children." For fourteen cf. Basil, *Hexaemeron*, X.13. In the Armenian *Kanonagirk'* the age of marriage is not specified, beyond the phrase *katareal hasak*, "maturity." Nersēs Šnorhali, *Encyclical*, p.133, specifies 15 for the male and 12 for the female, as does the SR, §4. According to Zenob, p.72, Grigor was 12 when he married, as was Yusik in the *Buzandaran*, IV.5. See the Index, s.v. "Numbers" for further references in MG to the appropriate ages for certain obligations; he is not consistent.

¹⁴¹ For 25 as the age for witnesses cf. p. 19. The age of ordination to the priesthood is given as 30 on p.94.

¹⁴² Buy: i.e. give a bride-price, *varjank'*, for which see p.22.

¹⁴³ Trade: *vačar*, which can mean trade or commerce in general, as also p.31, 41, "sale," as p.69, or "market," as p.148.

¹⁴⁴ Not a precise biblical quotation. References to "straight paths" in the OT are too numerous to list.

¹⁴⁵ E.g. Mt. 8.29, Mk. 1.24, 5.7, and other encounters between Jesus and demons.

¹⁴⁶ Acts 16.18: Paul reprimands a demon.

¹⁴⁷ Schismatics: *herjuacolk'*. See p. 52 for their baptisms, and p.99 for marriages with them.

true witnesses to the Lord, how will they be so to us? But let their [testimony] be acceptable to themselves, if such a thing occurs by necessity.

Now one must not accept women as witnesses, but as servants of witnesses – just as at the resurrection of the Lord four of the women ministered to the apostles, and also two of the apostles.¹⁴⁸ They confirmed the resurrection and became witnesses of the true resurrection of our Lord.

Thus, if it should occur that some women are witnesses to something, and they are truthful and so acknowledged by their way of life, they may narrate the affair to reliable men. And if they themselves will be double in number [to the male witnesses], the testimony of the women will be reliable through the men. But let them not stand up in court. Just as they are not to act as priests, or to perform military service, or to tread in the wine-press, or to sit in taverns, or to don male clothes according to the canons¹⁴⁹ – likewise they are not to judge or bear witness save only according to the example demonstrated above. But let no one reckon I make the testimony of the women to the Lord useless; for it is one thing to be a witness to God and another to men. If they happen [to bear witness], just as many happened to do, they will be received by the Lord and by men as concerns God; but in human affairs, because of their easy impulsiveness¹⁵⁰ they are to be mistrusted.

But it is appropriate to accept [testimony] from women concerning women, for often it happens that men are not close to their affairs; but to receive that concerning women from men is as above. And they must be double [the number] in both cases.

¹⁴⁸ The term *vkay*, "witness," is not used in accounts of the women at the resurrection, nor are four mentioned. Mk.16.1 names 3, and Lk.24.10 notes "others" in addition to 3 named ones. The reference to the two apostles is to the appearance at Emmaus.

¹⁴⁹ Basil, Canon 123 [= KH II, 130], for male clothes; cf. Deut. 22.5. There is no reference to women in taverns, *kapelays*, in the KH; priests are forbidden to enter taverns according to Clement, 49 [= KH I, 89] and Second Canons of Nicaea 53 [= KH II, 82]. Women are forbidden in the wine-press: Basil 129 [= KH II, 131]. There is no specific prohibition for women in the priesthood or military service in the KH; this was presumably taken for granted!

¹⁵⁰ Easy impulsiveness: *diwragrgrut'iwn*. The NBHL has only this reference. Łazar P'arpec'i, p.142, refers to women's "unstable nature," *anhastat brut'iwn*.

As every age of testimony to the Lord is acceptable, like the children of Bethlehem¹⁵¹ and saint Kirakos¹⁵² and the Proto-martyr¹⁵³ and others, yet in human affairs the acceptable age has been demonstrated; likewise the testimony of women is acceptable with regard to the Lord; but as regards men, it is as was said above. "For God looks into hearts, as has been said, but man into the face and years."¹⁵⁴ Therefore it is for them to prophecy seldom [14] and not in court; and women, but not men, preached with the apostles. If some by prophesying became witnesses to the Spirit of God, and the Virgin Mary through the ineffable birth to the Word of God, they were witnesses more especially through others than by themselves. For one cannot question the Virgin Mary among them.

It must also be explained why two or three are chosen.¹⁵⁵

Two or three – not for the sake of preventing excess, but because one is insufficient. If there are many, it is good; but if not, one is too few. As the apostle says: "Do not accept slander about a priest from one person, but only with two or three witnesses."¹⁵⁶ For it is easy for one person in a passion to speak slander; but two or three witnesses are superior to deceit and bribes. For the judge to learn [the truth], it is not secure if the declarations of two witnesses concord with each other, but not those of three – as that of the witnesses against the Lord were dissimilar from each other,¹⁵⁷ which [testimony] Pilate doubted. Yet that of two is firm. And if many are witnesses by deceit, they bring about an evil sentence, as with Nabaoth¹⁵⁸ and the holy Proto-martyr;¹⁵⁹ these treacheries are [the work] of litigants, and they cannot hide their masked wickedness for ever.

¹⁵¹ Mt. 2.16.

¹⁵² Kirakos was a "handsome youth," see *Vark' Srboc'*, I, 170-8. He was the son of Julitta who, according to the Greek version of Agathangelos, Vg, §97, was the wife of Gregory the Illuminator; see Garitte, *Agathange*, p. 216.

¹⁵³ Acts, ch. 6-7; his age is not given.

¹⁵⁴ I K. 16.7.

¹⁵⁵ Cf. p. 53. T'ovma Arcruni, p. 156, notes that even Muslims do not accept the testimony of a single witness.

¹⁵⁶ I Tim. 5.19.

¹⁵⁷ Mk. 14.59.

¹⁵⁸ III K. ch 21.

¹⁵⁹ Acts, ch. 6-7.

But it is right that two or three be appointed according to the arrangement of the Law, for which reason they are thus selected everywhere. To the oversight of the Law of Moses Hur and Aaron and Joshua attest;¹⁶⁰ and to God, the trumpets and the cloud and the mist and the fire attest.¹⁶¹ And to the birth of the Lord, angels and shepherds and magi attest; and furthermore Joseph and Mary and the manger.¹⁶² And to the temple, Simeon and Anna and the gate.¹⁶³ And to Egypt, the angel and the deeds and the miracles which occurred there.¹⁶⁴ And again to the temple, Mary and Joseph and the priests. And to the baptism, the Father and the Spirit and John.¹⁶⁵ Now on Tabor two and three together at the same time gave testimony;¹⁶⁶ for two are the prophets, and three the apostles. To the miracles [attested] the healings of bodies and the expulsion of demons and the raising of the dead; and again the walking on the sea and running through the air and being nourished with bread.¹⁶⁷ And to the passion and death, the darkening of the sun and the shaking of the earth and the rending of rocks; and again the blood and water and the veil and the dead. And to the resurrection, [15] the angels and the rock and the winding-sheets and the napkin; and again the women and the apostles and the guards. And to the resurrection, the apostles and the angels and earlier the prophets.

Although the testimony of one reliable witness is true, yet it is not confirmed, according to the Lord: "You sent to John, and he bore witness to the truth."¹⁶⁸ And because they did not believe, he said: "But I have a testimony greater than that of John - the works."¹⁶⁹ And

¹⁶⁰ Ex. 24.13-14.

¹⁶¹ Ex. 19.16-19.

¹⁶² Mt. ch.2; Lk. ch.2.

¹⁶³ Lk. ch.2.

¹⁶⁴ MG goes beyond the gospel text [Mt. 2.14-21] to include deeds in the Infancy Gospel; two Armenian versions are printed in *Ankanon Girk'*, II.

¹⁶⁵ Mt. ch.3 and parallels. Precise references for the numerous biblical references which follow are hardly necessary.

¹⁶⁶ Tabor is not identified in the gospels [Mt. 17.1-13 and parallels] as the scene of the Transfiguration. For later Armenian presence there see Thomson, "Armenian Pilgrim."

¹⁶⁷ Walking on the sea follows the feeding of the 5,000; but there is no reference in the NT to "running through the air, *ēnd awds ēnt'anal*."

¹⁶⁸ Jn. 5.33.

¹⁶⁹ Jn. 5.36.

again: "I am the one who bear witness about myself; and there is the Father who bears witness. And in your Law it is written that the testimony of two men is true."¹⁷⁰ The testifying of one about himself is also doubtful, according to the saying of the Jews to the Lord: "You bear witness about your own self." Although actually it was true, yet they said: "It is not true."¹⁷¹ Therefore he summoned as witnesses the Father and John.¹⁷² Furthermore he called the apostles witnesses: "You will become, he said, witnesses to me in Jerusalem and Samaria and as far as the ends of the earth."¹⁷³ Likewise Peter bore witness, having heard the voice coming from great splendour of glory: "This is my beloved Son."¹⁷⁴ But he also appropriates the prophetic saying.¹⁷⁵ John himself bears true witness, yet he says: "There are three which bear witness - the blood, and water, and the Spirit."¹⁷⁶ Proceeding from there the canons bid that bishops be ordained with witnesses;¹⁷⁷ and with commendatory letters of the apostles their disciples went about.¹⁷⁸ In the same fashion the apostle Thaddaeus went to the regions of Armenia with a letter of king Abgar.¹⁷⁹

However, that there should be two is the model for testimony, either because he sees or because he hears – which is what witnesses have to certify – lest what is seen or heard be at variance one with the other. But to see is more accurate than to hear. It is for judges to interrogate the witnesses at the hour of trial lest, according to scripture, judgment be passed by conjecture.¹⁸⁰ [16]

¹⁷⁰ Jn. 8.17-18 reversed.

¹⁷¹ Jn. 8.13.

¹⁷² Jn. 5.33, 37.

¹⁷³ Acts 1.8.

¹⁷⁴ Mt. 1.5, Mk. 9.7; cf. II Peter 1.17.

¹⁷⁵ II Peter 1.19.

¹⁷⁶ I John 5.8.

¹⁷⁷ Clement, 1 [= KH I, p. 75].

¹⁷⁸ Clement, 31 [= KH I, p. 83]. Commendatory: *ēncayakan*.

¹⁷⁹ M.X. II, 33-34, refers to Thaddaeus in Armenia and Abgar's letter, *hrovartak* [but *namak* in MG].

¹⁸⁰ Conjecture: *i karcs*, Is. 11.3.

Chapter 8

Concerning an oath; how it should be performed and by whom. Not prescriptively,¹⁸¹ because that was forbidden; but in order to advise and to define canons and penances for impious customs

We see the great commands of the Lord now being trampled by mankind, because they have increased their pointless swearing, and to that extent which the Lord completely forbade, saying: "Do not swear at all."¹⁸² The common usage of speech has adopted this for no reason, in the streets, in taverns, and in the disputations of the public squares, not only by children but also old men and mature persons.¹⁸³ If it happens that some become litigants so that they come to the place of judgment and to the bidding of the judge, often they swear in a frightful way. And if the judge commands them to take an oath in accordance with the rule of the court, they object: "We will not swear for all the wealth of the world," and thereby show themselves to be observers of the law, despite the fact that a little while before, without any necessity, they frequently swore. If anyone reproves them that it is not right, they say: "Because they do not believe our words." They insult the law of the Lord not to swear at all, becoming like the blind, for their seeing is touching.

To these one must say that the law of the Lord is not an impossible thing, otherwise it would not have been imposed. For he wanted us to be completely perfect believers,¹⁸⁴ just as in other things [perfect].¹⁸⁵ If by laziness we err, let the law be irreproachable, because making a comparison with the Law he said not to swear, for thus it is the fulfilment of the Law. If there is a transgressor, he does not fulfil the Law; but he is still under the Law, and he must fulfil it through repentance. We said that it is not allowed to swear for the reason that it was prohibited by the Lord. However, we establish admonition and canons for customs. So if they say that it is impossible not to swear, it is also clear that God swore to Abraham, saying through the angel: "I swore on my

181 Prescriptively: *arwinadreløy*, lit. "laying down the law." MG frequently emphasizes that his own role is to advise and not make legislation. See p. 10.

182 Mt. 5.34.

183 David, *Canons* 82-3, is much concerned with swearing; cf. also Basil, Canon 30 [= KHI, 351].

184 Jn. 17.20, not an exact quotation.

185 Mt. 5.48.

own self, says the Lord;¹⁸⁶ and Abraham gave an oath to his servant;¹⁸⁷ and again the Lord swore truly to David;¹⁸⁸ and other such examples. And the apostle swore, saying: "I swear on your boasting, brothers."¹⁸⁹ And just kings swear, likewise also princes, whereby it is confirmed that an oath is necessary, especially in court.

I shall now set down the solution to these matters. The apostle teaches that God swore to Abraham, saying: "An oath is a firm decision for every dispute of men;"¹⁹⁰ so God, wishing to mediate by two unalterable things, by the oath and the oath on himself, promises blessing.¹⁹¹ The saying means as follows. If men, especially kings, have a custom to swear on themselves, whereby they seal as infallible [17] the carrying out of their statement – likewise God too has accepted this form of statement, not as an oath but as showing that if among men an oath is unerring, likewise my promise is not false.¹⁹² It is in this fashion that God swore to David, and the rest.

Secondly, because God does not fall under the Law, he takes on the custom of mankind, just as from the beginning they received multifarious reasons for the confirmation of a statement. Still under the Law was [the oath] to Abraham, like the well and the cairn and the hill, just as God placed the rainbow in the clouds in the time of Noah,¹⁹³ and just as now the Scythians accept the whips of horses.¹⁹⁴ The apostle's example is the same. For he did not say: "I swore," but: "I swear."¹⁹⁵ And because he did not swear he merely showed the confirmation of the customs; since in place of the oath the apostle said: "Far from it,"¹⁹⁶ which is: "May it not be." According to the Lord it is "yes and no," as elsewhere he himself says: "From my side yes will be yes and no, no."¹⁹⁷ That just kings

186 Gen. 22.16.

187 Gen. 24.3.

188 Cf. Ps. 88.50.

189 I Cor. 15.31.

190 Heb. 6.16.

191 Heb. 6.13-17: God swore to Abraham that he would bless him.

192 Not false: *ansteli*, not biblical. But God is *ansut*, Titus 1.2.

193 Well: Gen. 21.31; cairn and hill: Gen. 31.47-48; rainbow: Gen. 9.13.

194 Scythians: i.e. Turks; for their oaths see Kirakos, p. 83. Whips: *mtraks*, a common word, which could also mean "spur;" see NBHL, s.v.

195 I Cor. 15.31, as just above.

196 Far from it: *k'aw lic'i*, Rom. 3.3 and elsewhere.

197 Mt. 5.37.

swore was to demonstrate that their pact of peace between themselves and the world was secure. And this occurred by necessity, so that therein the customs of mankind might be trustworthy; likewise princes in each one's time. For if the human race had been generally obedient to the command of the Lord, they would not need that yes be yes and no, no. But now, having dissolved the command of the Lord because of their habits, just men through repentance fulfil the Lord's command, as was said above. But it was shown that oaths would not exist necessarily, if they were to be faithful to each other according to the Lord's command; and especially in court that is necessary.

It is to be known that there was also a sixth reason why there was no code; for this reason – to prevent the necessity of an oath.¹⁹⁸ And if one were to ask how it was possible for a code not to exist: if we had accepted the command of the Lord to give reckoning on the road,¹⁹⁹ we would not have needed it, nor likewise an oath. But because we have clearly fallen away from it, by repentance we fulfil our debts; for which reason we said that we define penances and canons and admonition for those who have erred.

How an oath is to be performed must be explained. There are two kinds of oath: one of denial, and the other of affirmation. That of denial is when someone disowns, placing his hand on a cross, or on the gospel, or on a church, or in some other way. When foreigners²⁰⁰ propose forms of denial, they extinguish the light, or blow out water and oil through the mouth, or seize hold of a dog's tail, or draw a cross on the ground and trample it, or make two circles in the earth and pass from one to the other. All this and suchlike are examples of denial which it is not right to accept, even if death is imminent and the total ruin of one's house.

[18] Now affirmation is when someone who believes in God who knows hearts,²⁰¹ placing his hand on a cross or on the gospel or on a church, says as follows: "God knows, and this cross and this gospel are witness to my heart, that it is thus as I say, and I do not lie." Or he might

¹⁹⁸ I.e. the sixth in the lists on pp. 2 and 3.

¹⁹⁹ Mt. 5.35; Lk. 12.28,

²⁰⁰ Infidel: *aylazgi*, as p. 9. These oaths are also found in David, *Canon* 45: a Christian swears by the Cross and Church, either verbally or by putting his hand on it; a Muslim swears by trampling the Cross, spitting out oil and water, extinguishing a light, taking a dog's tail in his mouth.

²⁰¹ Who knows hearts: *srtagēt*, as Acts 1.14, 15.8.

say: "Their glory and power, because what I say is true, and I do not lie." Such declarations are affirmation – to recognize God who knows hearts, and the cross, the sign of Christ, and the gospel, the word of God, and the church, the house of God. So let there be an oath of affirmation, but not of denial. Let no one swear more than this. For I do not speak as giving legislation, but I offer advice, just as was said many times.

Now if one side of the litigants is from among the unbelievers,²⁰² and he forces [the other] to give this oath of denial, let him not undertake it, even if death or ruin should result, as was said. For not even their judge according to the law of the court commands to swear more than on the cross and on the gospel and on the church with affirmation. Just as was said previously, let no one be deceived. But if both sides are Christians and they force each other to give the evil oath of denial, let them be expelled by the rebuke of the judge from the court until they accept the oath of affirmation. But let not the oath be taken hastily or for the sake of some small matter; but first let the judge attempt to resolve the matter without an oath. If that is not possible and it is decided by an oath, first let him teach the form of the oath and make clear the seriousness of penance,²⁰³ and then let him order the oath [to be taken].

Let the value of the [disputed] property be as follows. If it is small, the limit being ten *dahekans* or less,²⁰⁴ let an oath not be taken for that; because it is not appropriate to swear even for all the wealth of the world.²⁰⁵ But if they object because of poverty, let them give up half [of the disputed property] to each other as the price of an oath and thus be freed; and let the judge indicate the same example of penance and of instruction of the oath. If they do not accept the half, and whether or not the oath will be taken thus, [if] they accept penance, the judge is not responsible. But if the value is more than ten, as much as twenty or even more, in the same way let it not be done hastily but let the judge delay over days; so that perhaps they may repent, or by giving the price to

²⁰² Unbelievers: *anhawat*, as p. 13 regarding testimony. By referring to "their judge" MG acknowledges that Christians were going to Muslim courts.

²⁰³ For the penance see below, p. 19-20.

²⁰⁴ A *dahekan* was a gold coin; they and *drams* [one sixth of a *dahekan*] were minted, p.29, 154. MG sets the blood price of a person [*mard* is not necessarily male] at 365 *dahekans*, p.30.

²⁰⁵ Cf. the disingenuous oath on p. 16.

each other be freed [from the oath]. But if it is impossible that it occur without an oath, [let it be] as here and there the judge may indicate; and not to accept [an oath] will not involve guilt.

This was said not as legislation but as advice.

Those who may take an oath should also be discussed. Generally for all juridical matters he who has a witness does not take an oath; but he who has no witness must necessarily take an oath.

But if anyone forces another to court and does not have a witness, nor does he who was forced have a witness, an oath must be taken not by the one arresting but by the one arrested – but [only] for that matter of which there is no doubt of falsehood in the one arresting. But if there is some doubt and likelihood of lying, let the arrestor take an oath, so that perhaps the case may be resolved through fear. But if someone is so arrogant that just as he calumniated so he also swears, then it is necessary for the one arrested to swear, because there is a doubt of truth in [the arrestor].

Now if they catch someone in thievery or in adultery [19] or in the suspicion of brigandage, and the arrestors do not have a witness, they must take an oath. Because such malefactors do not hesitate to swear, let them not give an oath. But if they protest and declare themselves innocent and [accuse] those arresting as calumniators and liars, and their protest seems proper to the judge and the court, let them take an oath and not the calumniators.

The trustworthy age of the one taking an oath, should it be [the oath] of the witness, is twenty-five years.²⁰⁶

Let a sick person not take an oath until he has recovered; for the suspicion of death is present, and perhaps he may leave the world unrepentant. Let a child not take an oath, because of the immaturity of his age and ignorance of the awe and dread of God's judgment. Likewise let not an old man take an oath because perhaps time will not permit him to repent. Let not a penitent take an oath, lest he add a burden to his sins. Nor women who are professed²⁰⁷ and in penitence, or in impurity,²⁰⁸ or in old age and likewise in youth, or near to childbirth,

²⁰⁶ Cf. above, p.12.

²⁰⁷ Who are professed: *i hawats*. This seems to be equivalent to the adjective *hawatawor*, which is used of nuns; see p. 21 and further references there.

²⁰⁸ Impurity: *anmak'rut'iwn*, the ritual state rather than lasciviousness, which is *plcut'iwn*.

or impure after giving birth. Let not a tax-officer²⁰⁹ or any sinner, or drunkards until they are sober, take an oath or be accepted as witnesses. This was said for advice and not as legislation. Not for legislation because there is no command for an oath, but advice in accordance with customs may be [appropriate] for legislation.

However, if those previously mentioned, for whom it was shown that an oath is inappropriate, have brothers or fathers or sons; and if the women have a mother or daughter or husband or brother, or some other blood relation, or a friend or dear ones – if these are reliable let them bear the burden of each other's oaths, and let the judges accept them.

A monastic priest and a monk²¹⁰ are not to enter the lawcourt lest there be a necessity for an oath; but let them fulfil their needs through a relative – like those for whom it was shown an oath is inappropriate – and let these be received by the judges. But let them be entitled to just sentence and a witness, if these are truthful. Let the same rule apply to secular priests. If they go to a court of law, let them leave [their affairs] in the hands of a relative, as was described; and let them beware for themselves, lest perchance they fall into an irregular situation and into scandal.

Now one must define the penance and rules of the oath; because although the saints previously defined and codified it, yet that has become completely dissolved, and in matters of the court it is customarily taken frivolously. Just as has been often said, we do not legislate whether it is right to swear and do penance, but we impose penance and canons for evil customs, lest the great legislation and command of the Lord be completely neglected. And if we write making some small

²⁰⁹ Tax-officer, *mak'sawor*, the "publican" of the NT. For *mak's* as a tax see p. 148.

²¹⁰ Monastic priest: *krawnawor k'ahanay*. *Krawnawor*, "religious," is a standard term for a monk; see further, p. 21. The monastic priest is thus distinguished from the secular priest, *ašxarhakan k'ahanay*, mentioned just below.

Monk: *monazn*, cf. the Georgian *monazon*. The earliest use of this term based on the Greek *monizon* seems to be in the *Letter of the Armenians under Catholicos Babgēn to the Persians in 506, G.T.*, p. 42, which refers to *erēc'*, *vanakan*, and *miaynac'eal monazn*. The last two would seem to seem to be coenobitic monks [in a *vank*], and monks living as solitaries. Armenian monastic terminology, however, is not always consistent or precise. See p. 25 for references to monasteries and hermitages.

concession,²¹¹ this is not to dissolve the [legislation] of those before us, but so that by the concession people may perhaps come to the former [state]. Furthermore, because the code was not handed down in writing, for that reason the penance of the oath was not given a special rule, although it was defined in general for all oaths. We are not at all making canon-law,²¹² because a canon is made at the meeting of a council; but we were anxious to define the code in writing, just as the reason has been demonstrated. And for its oaths, which are taken customarily and impiously, we set out the previously defined canons and penances [20] with concession, but not *in toto*, just as the reason for these things has been shown. Even if there were neither a lawcode nor a rule for its oath, nonetheless, we took the force of the things generally defined by canon-law with indulgence,²¹³ as was said.

So if God wills, let us prescribe as follows. If anyone truly, and not for some insignificant matter, swears the form of affirmation and not of denial, let the bishop, because he is judge, decree three years' penance. If the case is against someone else, as has been shown, let him make affirmation to whichever of the *vardapets* he wishes who are knowledgeable of affairs of the court, and he will prescribe [the penance]. But if someone falsely swears the [oath] of affirmation, seven years; and those prescribing will look to the greater or lesser amount of his property and will order his possessions to be given to the poor. But if he swears an oath of denial, let his penance be until death according to the former canons, whether true or false, for here there is no pardon. However, let those prescribing have power, as they may see it, to do what is most advantageous.

Now if he is a monk,²¹⁴ who were forbidden [to swear an oath] either of affirmation or of denial, whether false or true, let the prescription be until death. But let those knowledgeable have the authority to consider everything and legislate accordingly. Let the same statute

211 Making...concession: *nerelov*. This verb and the cognate noun *nerumn* are frequent in MG with the sense of "lenience, indulgence, concession." cf. Paul re marriage in I Cor. 7.6: "I speak this *nerelov*, not giving a command." See the Introduction for further discussion of MG's use of this concept in his attitude to prior legislation.

212 Making canon law: *kanonem*. MG frequently disclaims making law, but rather says he is offering "advice."

213 Indulgence: *zijumn* is only used here.

214 Monk: *krawnawor*, see n.210 above.

apply to priests, both secular and monastic.²¹⁵ For if the oath which concerns servants [and their freedom] after much effort, which the foreigners do not accept with regard to secular persons, deprives them of the rank of priesthood, how much the more here!²¹⁶ But let prelates be empowered to make the distinction in everything, the true or the false, the greater matter or the lesser, the oath of affirmation or of denial, and in this way legislate truly and without blame in the will of God [for those] ranged within the *bema* or all the others.²¹⁷

But those who swear on behalf of those for whom it is not appropriate to swear, whether for a monk or for priests, in whatever form it may be, if they themselves be ignorant of any matter, they will take on the penance for the things they swore. If they have sworn as for works, likewise for the penance, as much as they wish they do for their own advantage, and also for those on whose behalf they swore. But if they themselves are knowledgeable of some matter and they are arrogant,²¹⁸ let the prelates define the penance as they wish, and let them receive it in the will of God. So if someone swears, either of those men or women for whom it is not appropriate, just as the example was demonstrated previously and their distinction, let wise assessors²¹⁹ examine this also and act as they wish; for the occasion is not an appropriate one for penance, but zeal of morals and readiness and character vary. Let them examine these in all things and learn to shorten or extend [penance], and let it be accepted in the will of our Lord Jesus Christ. [21]

Chapter 9

That believers in Christ must not go to the tribunal of non-believers in Christ, having a great [distance] between them, as this shows

The distance of the believers from the unbelievers is clear to all in the saying of the apostle: "What is the unity between light and dark-

²¹⁵ Secular, monastic: *ašxarhakan, vanakan*.

²¹⁶ MG refers to David, *Canon 45*: priests are not to take an oath concerning escaped servants, or they will be defrocked. "After much effort" as p.40 of that Armenian text.

²¹⁷ *Bema*: *bem* refers either to a magistrate's tribunal or to the chancel of a church. Here MG seems to refer to clergy, who are within the chancel, and the laity.

²¹⁸ I.e. by refusing to reveal it.

²¹⁹ Assessors: *uṭtič'k*; see also p.30. They seem to be officials; cf. the three assistants to the bishop acting as judge, p. 10.

ness, or what share has a believer with the unbeliever?"²²⁰ and other such sayings. From these we learn that the gap is infinite, but that through an approachable example he makes clear its impossibility. Sometimes he calls [the unbeliever] "son of anger," and sometimes "of darkness,"²²¹ having learned from the Lord the saying: "Who does not believe in the Son of God, over him stands the anger of God;"²²² and again: "Who is not born from water and the Spirit, will not see the kingdom of God."²²³ Likewise too John in his own book says: "Who does not confess the Son of God came to the world in the flesh, he is Anti-Christ."²²⁴ Similarly the prophets call those who departed from the right faith "impious" and "heathens."²²⁵

Although the Muslims²²⁶ now confess God the Father, yet they say the Son is created, as also the heathen and [those] named and reckoned among them by those who know aright.²²⁷ That it is not right for believers to live according to their code is clear from what the apostle writes to the Corinthians, saying: "No one among you is so wise that he can distinguish laws between his brother, but brother is judged with brother, and that among the unbelievers; and you appoint the unworthy as judges of the church."²²⁸ For they conduct their code according to their own religion.²²⁹ Although they have a beginning from the Law of Moses, they alter much by deceit and render it according to their pleasure. They use false witness and a deceitful court, and calumniating orators²³⁰ and impenitent oaths. They deprive the dead in the name of the living, and they completely despoil the heirless on the excuse of doing good. They visit orphans, being avaricious, and they give bride-

220 II Cor. 6.14, a/b inverted.

221 Eph. 2.3; 5.8.

222 Jn. 3.36.

223 Jn. 3.5.

224 I John, v.7.

225 Heathens: *het'anos*, e.g. Isaiah, *passim*.

226 Muslims: *Mahmetakank'*, [as also pp. 22, 23, 73], not his usual *aylazgi*. MG does not use the common Armenian term "Hagarenes." The term "Muslim" is never translated literally in Armenian as "one who surrenders [himself to God]."

227 I.e. those whom Christians regard as heathen.

228 I Cor. 6.4-6.

229 Religion: *krawnk'*; cf. *krawnawor*, "religious = monk," e.g. p.27.

230 Orators: *čartar*, someone technically proficient at an art, especially rhetoric; cf. *čartasan*, "eloquent," p.11.

price²³¹ for wives prodigally. They commit all evils, and reckon ablution as a purifying of soul and body. They honour the pleasure of the body, and do not at all refrain from what they desire. They promise a kingdom with women, and paradise for fornicators. They say their erring leader²³² is dear to God, and they testify about his many evils. They boast that they worship God, but they blaspheme his Son. They confess a resurrection, but concede no grace to the soul. They say there is retribution for deeds, and they adorn tombs. They say wine is bad, but there is none who does not become drunk. But let me not prolong this. [22] How can equity according to our religion be found in the court of those whose way of life is so alien and whose faith is crooked? Although they do have much in accordance with the Law, and it is persuasive to us as belonging to the Law of God, yet it is not so to them, because they have nothing of the truth.

Now for those who believe aright in Christ and those separated from the Jews and from the barbarians and from the Samaritans, and from the schismatics and from the sectaries²³³ and from the Muslims, it is necessary to use the superior and true and compassionate code. For we confess the Holy Trinity as one godhead and power and glory, and the true Son of God who became true man, indissoluble in unity and eternal; and we are zealous for good works. Even if we are somewhat deceived in the desires of the world, we are not hypocrites; but we confess and believe in forgiveness. We love each other and grant forgiveness to transgressors. We desire purity and we abominate sinners. We observe fasts and prayer. We die for the faith and resurrection and retribution, and we expect the kingdom.

Now because our present discourse is not concerned with faith and deeds, [it is not necessary] that we should write down everything but that we show sufficiently that just as we are separated from many by faith and deeds, so it is right to be separated by lawcode. For our code must be upheld by truth and justice, not by bribes, or by false witnesses or by deceitful orators; nor do we deprive the dead, or give bride-price for wives,²³⁴ or totally confiscate the inheritance of the

²³¹ Bride-price: Here *varj* for the more usual *varjank'* on p. 22 at n.234. See esp. p.65 for the Armenian practice. For orphans see also p.86, and esp. p.130.

²³² Leader: *aiajnord*, in a Christian context it can mean "prelate," as p. 7.

²³³ Schismatics, sectaries: *herjuacoł*, as p.13, *alandawor*. For "sects" see pp.43, 96.

²³⁴ This is not so! See p.13: a man has to buy a wife; and p.65: the father of a virgin expects a bride-price.

childless, or use impenitent oaths; nor do we hypocritically cultivate what is pure.

So it is not right for a Christian to go to the court of those who are so distant in justice. If he is presumptuous, he provides cause for much evil and stumbling for us and our religion.²³⁵ For us, [the supposition] that we are totally ignorant or vicious in many ways; and for our religion, that it does not teach truthfully, but erroneously and perversely. Then the saying is fulfilled for them: "Woe to you, for because of you my name is blasphemed among the heathen."²³⁶ We see many of the believers rushing there, when they see that by going to the foreigners our case is carried out victoriously; and if it turns out well among the believers according to their desires, they then go to them. But it is not right for the sake of avarice and victory for believers to go to the unbelievers, but to the believers, even if by law the case is lost. By standing by what is lawful he will recognise judgment in order to be made worthy of life in Christ.

Chapter 10

From which books then we are going to compile the details of the code, and from which nations, whereby our truth is confirmed; and how the text of the code is encompassed

It is necessary to indicate the books and nations from which he who will hand down in writing the details of the code will take them, [23] in order that the truth may be manifest, and no one may stumble and be guided by some imaginary argument.

Now first and foremost we reckon it reliable to take from the natural laws by which the heathens lived; because they learned to condemn thieves and murderers and all malefactors.²³⁷

Second, the Muslims have accepted what pertains to the natural laws; and we accept [that, but] not what has been written by them, because it is not theirs, as was indicated previously. For we accept what is

²³⁵ Religion: *awrēnk'*. Although this term is often rendered as "law," it denotes a whole way of life, "laws, customs, religion." Based on the use of "laws, [Greek *nomoi*]" in the Books of Maccabees, it is a vital theme for Eḫšē's *History of Vardan and the Armenian War*.

²³⁶ Is. 52.5.

²³⁷ Natural law: cf. p.3. Note the reference to "laws of civilization, *awrēnk' k'alak'avarut'ean*," in Eḫšē, *Homilies*, p.346.

special to our own laws, but we reject the vicious conjunctions thereto, though sometimes we accept what is lawful as the fulfilment of the Gospel.

Third, we must collect from all nations which believe in the Lord, as from relatives, what we have heard and seen. That is, from all [nations] we must bring together whatever may be appropriate for our own needs.

Now, from written texts: First from Exodus, Deuteronomy, and the other books, which is a true God-given code. For in many places it reminds us, saying: "These are commandments and testimonies and judgments which the Lord has commanded you."²³⁸ Second, from the canonical prescriptions, because there too are found not only the ability to select a statute potentially,²³⁹ but also the individual details of the code. Third, from all the books of the Old and New [Testaments] one must take the sense and advice. For what are all the testaments, if not advice for judgment? So such a collection makes our truth manifest by a double model.

But it should be known that this lawcode²⁴⁰ does not now contain the whole, because canon [law] has potentiality, as was said above. Just as the canons were not laid down at once, nor at one time, and not by one [author], but gradually, and at many times, and by many people – for first were set down the Apostolic [canons], and then those in Nicaea, and before that others, and then in the other councils, and at various times, and by many fathers – in like fashion it is appropriate for this book of law to be composed. Its beginning has now taken place;²⁴¹ and it is appropriate gradually to extend it to various times, and to arrange in it more material from many [sources], and in this way for it to come to completion with all-encompassing knowledge.

Now it is a canon-law that twice in the year a council should take place,²⁴² and the details of any failings in the country should be scrutinised, and canons and penances prescribed. Accordingly, it is fitting

²³⁸ There are many biblical parallels, e.g. Lev. 26.46, Num. 36.13, Deut. 6.1.

²³⁹ Potentially: *zawrut'eamb*. *Zawrut'iwn*, lit. "power," is the standard Armenian term for potentiality, e.g. David, *Definitions*, p.128.

²⁴⁰ I.e. MG's own work. See p.25 for possible revisions and additions.

²⁴¹ MG means not so much that he has just begun his own composition, but rather that his composition will be the beginning of a longer process.

²⁴² Antioch, *Canon 20* [= KH I, p. 218-9], enjoins councils twice a year; Nicaea 5 [= KH I, p. 119-20] specifies three times a year.

for the same to happen to the details of this lawcode, that as often as some new situation occurs, it too should be scrutinised and included in the lawcode, after the laws have been made and studied. If anyone were to consider this, he would find all the books gradually coming to completion at various times, whether by one person or by many – just as the *Book of Genesis* was written by Moses not all at once and not at a single time;²⁴³ and the [book] of the twelve prophets not by one person and not at one time. Likewise too the other prophecies, [24] which Isaiah makes clear by saying: "And it happened in the year when Ozia died,"²⁴⁴ and likewise in the times of other kings he relates that prophecies occurred. In the same manner the Gospels too were written by the four evangelists and at different times. Similarly the fourteen letters of the apostle Paul,²⁴⁵ and many other books composed by teachers and fathers. In accordance with the model of these just demonstrated, so too should be the undertaking of this text. Whether by us and not at one time, or by many and at various different times, let there be authority to complete only what is lacking, by accurate examination and irrefragable laws.²⁴⁶

Since it would be most worthy that we should undertake this only after scrutinising many [sources], that indeed I earnestly sought; but it did not happen for many reasons. If we reckoned that two or three judges should concur²⁴⁷ in passing judgment, how much more appropriate it would be here for many to concur in judging the legal details and then to set them down in writing. So these we replace by the witness of scripture, which we accept by its authority; and many [details we set down] from its statutes of past events, and from scrutiny by investigation and report²⁴⁸ of reliable laws according to each one's nation. In this fashion we cannot be blamed.

243 Does MG mean all five books of the Pentateuch, normally called *Awṙēnk'*, "the Law"?

244 Is. 6.1.

245 For 14 epistles see Laodicaea, *Canon* 55 [= KH I, p. 241]. For Armenian legislation on the canon of the bible see Stone's articles, "Armenian Canon Lists."

246 Laws: *irawunk'*, perhaps here "justice."

247 Concur: *i miasin linel*, or perhaps "be present together."

248 Report: *lur*, as p.93. For MG's sources, oral and otherwise, see the Introduction.

Chapter 11

Colophon in brief

Although it is natural for all to desire the good and to be unerring in everything, yet it is not possible, as our nature exists in a state of creativeness and corruption. If this is the case for the very eloquent, how much more would it be for us whose every action was flawed almost from the beginning. Therefore we earnestly beg all those who come after us, fathers and brothers at various times, that you correct the many and not infrequent faults that you encounter on reading this text, and complete what is legally inadequate, as was indicated above. I have a general reason for these faults which is more than the usual: first, the blemish of my soul which prevents the operation of the Spirit; and then the passions of the body; and my obvious total inexperience in general and in particular; and again lack of leisure, because I had pupils at the breast sickly; and travel,²⁴⁹ and lack of a settled place, and no place for writing; and opposition by those within and without;²⁵⁰ weakness of the senses and struggles with demons; and lack of implements for writing, and poverty of books from which it would have been fitting to collect the material for this code.²⁵¹ But if you blame this nation of ours with its habits of error and do not correct them, knowing these deeds of the Armenians and at the same time the measure of their soul, then we cannot be held to blame by you in these matters. So if you engage with our code in a friendly fashion, and you solicitously complete what is lacking, you will receive compensation from the Lord for your goodness; and through your labours you will store up rational²⁵² treasures in the churches, and therein a memorial of your kindness will remain for us.

[25] Now we embarked on this enterprise in the era of the Armenians 633, and at the end of the cycle 101 which is called Lesser,

249 Travel: *pandxtut'iwn*, which implies being away from home and could also mean "pilgrimage." See p.35 for vardapets travelling around. MG began this work in Horomašen [see next page], but before that had been much abroad. For his career see the Introduction, p.16-19.

250 Those within and without: i.e. Christians and infidels.

251 Note the relatively small range of written sources used by MG outside the bible and canons; see the Introduction.

252 Rational: *banic'*, taking the genitive of the noun as an adjective.

but in that of Rome 405,²⁵³ in the years of abeyance of our kingdom, only a few princes remaining from old times in the regions of Hač'en,²⁵⁴ in the times of the renowned Hasan, son of Vaxt'ang, who became a monk,²⁵⁵ and of his son Vaxt'ang in the fortress which is called Haterk',²⁵⁶ the great prince Ruben being chief of the princes and of the regions of Cilicia,²⁵⁷ in the year when the victorious king of Georgia, George, died,²⁵⁸ in the patriarchate of lord Grigor of Greater Armenia,²⁵⁹ and in the prelacy of lord Step'annos of the house of Ałuank' in this land of Aran,²⁶⁰ in the province which is called that of the capital Ganjak, in the hermitage and fraternity named Dasn.²⁶¹ I began [this book] in the monastery called Hořomašēn in the mountains, under the protection of the holy churches of the convents mentioned,²⁶² with the help of father Yovsēp' and with the encouragement of brother Paul for this undertaking.²⁶³

Now a draft of this colophon was composed for an Introduction to this lawcode, because its completion is effected not all at once through us, just as I explained the reason earlier.²⁶⁴ So, to the best of

²⁵³ The Armenian year 633 began on 4 Feb. 1184. The Lesser cycle began in 1084, so the year 101 is also 1184. The era of Rome is the *Kronikon* used by the Georgians, whose influence in northern Armenia at this time was paramount. But that is reckoned from 781, so the year 405 would be 1185. Abeyance of our kingdom: MG notes that "we have no kings [now]," p.28; and that "our kingdom does not presently exist," p.33. The kingdom of Vaspurakan came to an end in 1022; that of Ani in 1045; that of Kars in 1065; that of Lori in 1113.

²⁵⁴ In Ałuank', south of Partaw.

²⁵⁵ For Hasan's career see the *HAnjB*, s.v. no. 23; he became a monk in 1182.

²⁵⁶ Vaxt'ang died in 1214; see the *HAnjB*, s.v. no. 5. Haterk' is not mentioned elsewhere.

²⁵⁷ Ruben III, prince 1175-87; see Toumanoff, *Dynasties*, p. 428.

²⁵⁸ George III died on 6 April, 1184; see Toumanoff, *Dynasties*, p. 136.

²⁵⁹ Gregory IV, Tlay, Catholicos 1173-93.

²⁶⁰ Step'annos; see n. 52 above. Aran: MG uses the Persian form only here. For the names given to Caucasian Albania see Marquart, *Eranšahr*, p.116-9, Hewsens, p.141-4.

²⁶¹ For Dasn and Hořomašēn see Thierry, *Répertoire*, nos. 883-4.

²⁶² MG here uses four different terms for monastic institutions. Hermitage: *anapat*, lit. "wilderness;" fraternity: *elbayranoc'*; monastery: *menastan*, only here – the usual expression is *vank'*; convent: *kusastan*, only here – he uses *vank'* for women on p.27, 36, 137. For further references see the index.

²⁶³ Yovsēp' was later a bishop; see *HAnjB*, s.v. no. 34. For Paul see n. 49 above.

²⁶⁴ See p. 23.

our ability, we now set to work to compose the following lawcode. In addition to which we make this further wish. If it occurs that it seems pleasing to some people to change the details of the code from this exemplar, will you alter with it also its colophon, to remember us in it, whereby you too will be fully remembered in Christ Jesus our Lord, to whom be glory for ever.

The Introduction to this Lawcode has been completed in eleven chapters.

[26] Beginning of the Code at the wish of the Father and of his Son, Jesus Christ, by the power and grace of the holy Spirit

Chapter 1 ²⁶⁵

Concerning the Roles²⁶⁶ of Judges

Let us come now to the business of the code, knowing that Moses commands judges and their scribes to be [appointed] city by city; from which it is clear that Moses did not hand down all the details of the code in writing, but he gave a few general principles and created a refuge in judges for the varied details and times. For that reason he appointed scribes for them,²⁶⁷ so that they might preserve in writing the judgments which had been made. In like manner should our [arrangement] also be made, as was explained above.²⁶⁸

So first we should note this: that it is necessary for judges, in consideration of the labour of the court, to receive stipends as income,²⁶⁹ lest their work be considered unprofitable, and becoming tired of it they give up judging. Although Moses frequently mentions judges, yet he does not reveal their stipends. Because some were Levites and were separate, for them [he arranged] cities and revenues from the people. And as concerns those from among other nations, although they were indeed appointed by kings and princes, [they were] not without rank; and even if they happened [to be appointed] by princes, likewise they had the role of judging. But because now we have no king or prince²⁷⁰ – since such good administration is effected through them – let us fulfil these [responsibilities] by our patriarch,²⁷¹ because he is the head of the judges of the church.

²⁶⁵ B: I, 1; not in K.

²⁶⁶ Roles: *vičak*, or "rank, jurisdiction;" it also means "lot."

²⁶⁷ MG writes *dpirs* for the *atenadpirs*, "court-scribes" of Deut. 1.18.

²⁶⁸ MG's Introduction, ch. 5-6.

²⁶⁹ Stipends: *t'ošak*, which may refer to wages in general, pay for soldiers on campaign, or support for a journey. Income: *mutk'*, "revenue" on p.116.

²⁷⁰ Cf. the "abeyance, *anišxanut'iwn*" of the kingdom, p. 25 above.

²⁷¹ Patriarch: *hayrapet*, Catholicos in G, which has a shorter version of this section. But in what follows MG uses both "patriarch" and "Catholicos" indiscriminately. Cf. ch.198: bishops are now the judges.

Let it be as follows. If a man should die, and he have neither son nor daughter, nor anyone else from the stock of his fathers, let his inheritance become stipend for judges, so that they may be nourished and undertake their work for the church in a spiritual manner. Let them act in this fashion, namely if in his personal circumstances the deceased be heirless, let the patriarch have the inheritance. And if he is in the rank of a bishop, let [his inheritance] be divided into three – for patriarch and bishop and priests of the congregation. And if any *vardapet* is in the province, and he bears the same labour of judgment, let him also have a share;²⁷² and in the same measure, the others.

But let lay judges not have a share, because they are not natural judges but by happenstance.²⁷³ If anyone after the work [27] of the court sees their labour and gives them something, let them be satisfied with that. But let them have nothing by law; for the legal [fee] was conceded to prelates for spiritual remuneration.

Now if the deceased be a monk in a monastery,²⁷⁴ let not a brother or other relative or father in the flesh be his heir, but his spiritual brothers and fathers; because he had previously taken his departure from those in the body. Whether he be a *vardapet*, or his pupil, or a spiritual brother, or a fellow-student, let these be heir; and let them give the death dues and other expenses²⁷⁵ to the abbot of the monastery, because a monk is consecrated by him.²⁷⁶ From this [rank of person] let it not go to judges. But if anyone is not one of these, let his [spiritual] father be heir and give the dues to the bishop.

As for nuns,²⁷⁷ if she is consecrated by a secular priest and dies close to him, let [the inheritance] be his. And if she is consecrated in a

²⁷² For the role of *vardapets* see esp. ch.4. In addition to their spiritual and educational duties, several were involved in legal matters, helping the bishops in their courts.

²⁷³ This is explained by the version in G where lay judges are temporary.

²⁷⁴ Monastery: *vank'*, i.e. a coenobitic monastery. MG will distinguish anchorites below. Monk: here *krawnawor*, lit. "religious;" see n.210 above.

²⁷⁵ Death dues, expenses: *hask' mahuan*, *caxk'*.

²⁷⁶ Consecrated: *jeradri*. MG uses this term, "laying on hands," for the consecration of monks and nuns as well as the ordination of priests and bishops. Monk: *mon-azn*; for the term see above, n.210.

²⁷⁷ Nuns: *hawatawor kanayk'*, see above, n.207. *Hawatawor*, lit. "faithful, believing," is normally used of females, and does not need the noun *kanayk'*, "women," e.g. p.141. Convent: *vank'*.

convent and dies near to that, let it be theirs. Let the bishop not be avaricious in their regard.

If the deceased monk be a priest and he have an heir, as was said, let them give the [dues] of the offering²⁷⁸ to the abbot of the monastery, and the rest to the bishop, because he is the one who ordained him and judge. And if he has no heir, let the bishop be [heir], because he is his [spiritual] father; and let him give the death offerings to the monastery, and the rest to the Catholicos.

Let this be the code also as regards anchorites.²⁷⁹ As for the monks,²⁸⁰ they themselves are heirs to everything. But they should give the robe of a priest to the bishop, since he is the one who ordained him. And this is the double law concerning rank and judging.

Likewise if a bishop die and there be an heir, as has been said, let them give the death dues and his robe and staff and the *myron*²⁸¹ and other offerings to the patriarch. But if there be no heir, let the patriarch be [heir], because he is the one who consecrated him and judge; and let him give the death dues to the court of the bishop, and the robe and staff and *myron* to the one who consecrated him, or to whomever he wishes.

Let the festival offerings of the patriarch's court belong to the sacristan²⁸² of his own church. But let the dues of the commemoration of the departed, and of the offerings of the family at a marriage, and of the offerings of the family of those departed, be divided among the bishops of the court and the *vardapet* who is close to the patriarch's court. And if other *vardapets* are summoned to the council, likewise let them have a share equally.

But if death befall the patriarch, let the dues of all offerings with other gifts from his spiritual heirs be equally divided among the assembled bishops; and to the *vardapets* and abbots and priests let a further gift be made.

²⁷⁸ Offering: *zenumn*, lit. "sacrifice." This offering on the occasion of someone's death is also called *ēncay*, lit. "gift," just below.

²⁷⁹ Anchorites: *senekawor*, those who keep to their cell, *seneak*; only here in MG. Cf. Lampe, s.v. *kelliotēs*.

²⁸⁰ Monks: *miabanakeac'*, those who "live together," i.e. ceonobites. Cf. *miaban* for monks, p.51.

²⁸¹ *Myron*: only here in MG. Baptismal oil is *ewt*, p. 32, 78, 136.

²⁸² Sacristan: *spasawor*, lit. "servant." In G the term used is *eketec'pan*, "keeper of the church."

Let this be the law for the judges of the church; and let no one transgress the rights of his companion, otherwise he incurs the impartial and unbribable²⁸³ judgment. [28]

Chapter 2²⁸⁴

Concerning the code for kings and those subject to them

We have set down first the role of judges and their code, because their rank is first and the most necessary. But let us place second the code of kings, because although we do not have any [now] we have set down their code on account of its suitability.

It should be known that God is the real king,²⁸⁵ and men only bear that name; they are not true [kings]. But those are called kings who both rule over their own people and receive tribute from other peoples; or if not, do not pay tribute.

If it happens that he has sons and daughters, let him divide equally and justly the role of kingship. For although it is appropriate to make the eldest king,²⁸⁶ yet let him set the most proficient²⁸⁷ on the throne of the kingdom. As long as he has brothers, it is not legal for his sons to receive the kingship; but when the brothers are ended, then the sons reign.²⁸⁸ If he has a daughter, let her establish a princely house²⁸⁹ with her husband, and receive half the share of a brother.²⁹⁰

If kings are removed by death and the son has a son and daughter, let the son's son receive the throne and not his daughter. As long as there are some offspring of the son, let the daughter not receive

²⁸³ Unbribable: *ankašar*, not biblical of God's tribunal. MG echoes *Elišē*, *History*, p.174.

²⁸⁴ B: II, 1; cf. K: 1.

²⁸⁵ Cf. Psalms, *passim*. Cf. God as first judge, p.6.

²⁸⁶ In this chapter MG draws often on Movsēs Xorenac'i; cf. II 8, where Valaršak appointed his eldest son.

²⁸⁷ Proficient: *yaražadēm*, as MX, II 2, of Artasēs; cf. p. 35, where MG applies it to vardapets. It is used of Paul in Gal. 1.14. But the Bagratid custom was that eldest sons succeeded to the throne.

²⁸⁸ Reign: *nstin*, lit. "sit [on the throne]."

²⁸⁹ Princely house: *nahapetean tun*. *Nahapet*, "head of a family, patriarch," is widely used of OT figures – e.g. Noah, just below. For the secular use see Garsoïan, *EH*, p.548. It was not still in general use by the time of MG; see the examples in *NBHL*.

²⁹⁰ Cf. the rules of inheritance, ch. 102 below.

[the throne]; but if she take it, let her be considered as an outsider. For thus our king Abgar set in order the house of the Persian kingdom.²⁹¹ And the patriarch Noah with his sons also gave to his daughter as her share of the lot the region of the south.²⁹² Accordingly, women rule over those regions from which Solomon once brought the queen of the south, as the Lord indeed bears witness.²⁹³ But he honoured the eldest with the most select lot, which the Law too orders to be given doubly.²⁹⁴ It is appropriate that he give to his daughter half the lot of a brother, but he is king as having precedence.

Now if he does not have a son, but has a daughter, let him give his crown to the daughter. We have as reliable witness the Law: "If anyone dies, it says, and he has a daughter and no son, let him give his inheritance to her."²⁹⁵ If she has taken a husband, let her be authorised to give her crown to him; but after his death let his offspring²⁹⁶ be reckoned as outsiders. Now if anyone should say: "Why should she herself not be allowed to rule in accordance with the example of the southern region, but have to give [the crown] to her husband?" – let him know that here custom takes precedence. But I think these [rules] are firmly established according to the judgment of scripture.

If a king makes a will,²⁹⁷ as long as he is alive he will be authorised to change it as may be worthy; for after death a will is fixed, according to the apostle,²⁹⁸ just as king Constantine made his sons kings by a will.²⁹⁹ [29] And let him establish the boundaries by mountains and rivers and stelae,³⁰⁰ according to the former kings.

²⁹¹ MX, II 28.

²⁹² Not biblical, but a reference to apocryphal traditions. Vardan, p.9, names Noah's daughter "Astlik."

²⁹³ Mt. 12.42, Lk. 11.31; with reference to III K. ch. 10, II Chr. ch. 9.

²⁹⁴ Eldest, doubly: *andranik*, *krkin*, as Deut. 21.17; but the context there is quite different.

²⁹⁵ Num. 27.8.

²⁹⁶ His death, his offspring: Since Armenian has no grammatical gender, this could be rendered "her death, her offspring;" but MG is referring to the children of the outsider, *awtar*.

²⁹⁷ For wills see ch.183.

²⁹⁸ Heb. 9.17.

²⁹⁹ By a will: *ktakaw*. MG probably has in mind the Armenian version of Socrates, II 2.3; cf. also MX, II 1, of Alexander.

³⁰⁰ Stela: *arjan*. Cf. MX, I 16, of Semiramis; II 9, of Artashes; II 65, of Xosrov. It is used of a boundary marker in ch.247 below.

If he does not have at all an heir from the progeny of his fathers, let him be authorised to give the crown to an outsider – though not [an outsider] in religion like the son of the king of the Indians and the Macedonian Alexander³⁰¹ – and leave the rest of the administration to the Lord. But if there are heirs from the house of his father who are relatives, let them be [his heirs]. And if there are sons, let him keep one with him, but the others always away; until he makes the appropriate one heir, let him settle them at a distance, just as the first king had this custom.³⁰² Let this law of the code in what has just been discussed be applied to all princes and nobles together.³⁰³ But in the making of a king, let it not occur without the patriarch's permission.

If [a king] builds a city or a keep,³⁰⁴ or if he takes a census,³⁰⁵ and if he stamps or mints *dahekans* or *drams*,³⁰⁶ let him have authority according to the legal code. But it is not legal for princes to mint *dahekans* or *drams*; if he should mint them, let it be with the permission of the king. Likewise in building cities and castles.

To build bridges over great rivers should be the prerogative of kings; and as for hostelries and inns,³⁰⁷ for these let it be with their permission.

Princes are not to wear the robes of kings, unless the latter give permission or bestow honours.

In front of a king let the magnates³⁰⁸ not sit down unless he give permission. At a king's table, save for the patriarch, let no one eat, except when he should wish.

³⁰¹ A reference to the Armenian text of Pseudo-Callisthenes.

³⁰² I.e. Vałaršak, who kept his first son at court and sent the others to Hašteank'; see MX, II 8.

³⁰³ Princes and nobles: here and below, p. 31, MG distinguishes the rights of a prince, *išxan*, from those of a noble, *azat*. For the terms see EH, s.v.

³⁰⁴ Keep: *dleak*. "Castle" just below, renders *berd*.

³⁰⁵ Census: *ašxarhagir*; cf. Eñšē, p.22, MX, III, 51, both referring to the Sasanian shahs.

³⁰⁶ On p. 76 MG gives the subdivisions of a *dahekan*, but does not state the relative value of the *dram*. For further references see the Index, and also s.v. "double-dram."

³⁰⁷ Hostelries, inns: *pandok*, *ijawanac' tun*. *Pandok*, the Greek *pandocheion*, is very common in Armenian. *Ijawan* is used for inns on the roads [e.g. Y.D., LV, 3], or may be simply a "lodging."

³⁰⁸ Magnates: *mecamec išxank'*, lit. "the greatest princes," as also p.47.

In the palace let the patriarch be independently free to sit down; but not the king in the patriarch's residence.

Let not a king who believes in the Lord use concubines in the manner of heathen kings;³⁰⁹ but let him observe the legitimate order of marriage, because he has the authority to stand in the *bema*³¹⁰ with the patriarch. He should conform to the example of the pious ones Ozia³¹¹ and Hezekiah, and that of David himself, and of Constantine and Theodosius, of Trdat and their like.³¹²

Let a believing king act according to the code in all matters and undertakings.

If it happens that he goes to war with foreigners by necessity, when the sword is raised let him not cause slaughter except when the cause of the war is from the foreigners.³¹³

If he besieges a city of the foreigners, first let him summon them to peace – once and twice and thrice. If they do not wish to come [to terms] and he takes it by force, having killed those who resist let him place the rest under tribute. But if they surrender, let them be taxed in other respects but not on their heads.³¹⁴ [30]

In besieging a city one is not to pull up orchards that produce fruit.³¹⁵

As for those who betray cities and castles, if it is done sincerely on behalf of the foreigners, he is to be put to death. But if it is merely in order to save himself, his wife and children, let him be arrested and delivered to court, and proscribed from his inheritance and punished in his eyes. But if the wicked deed is carried out and he be captured, let him not be spared. If he is a Christian and is about to betray [city

³⁰⁹ MG may have in mind the pre-Christian Armenian kings; see MX, II, 60 for the concubines of Artasēs, for example.

³¹⁰ Bema: here, "sanctuary." See also above, p. 20, "chancel."

³¹¹ For Ozia see II Chr. 26.4; Hosea was a wicked king, IV K. 17.2. For Hezekiah as pious see IV K. 18.3.

³¹² MX, III 33, notes that Theodosius combatted paganism. The piety of Trdat and Constantine is emphasized in Agat'angelos. Unlike the Syro-Roman code, MG does not attribute any specific legislation to the two emperors.

³¹³ Foreigners: *aylazgi*, not rendered here as "Muslims" [see p.1, n.2], because these paragraphs are based on the OT. But Muslims are clearly meant on the following page.

³¹⁴ This paragraph is based on Deut. 20.10-14. On p.31 MG states that head tax is levied only on foreigners, not Christians; see also p.63 below.

³¹⁵ Deut. 20.19-20.

or castle], either to foreigners or to Christians, it is the same sentence of death. But because of the philanthropy of our religion,³¹⁶ let him be punished in the eyes, or in the hands, or in other respects, so that he may come to repentance and not perish, whether the crime be carried out or not.

As for a thief of royal treasure, if he is a foreigner let him be punished in the eyes or hands, and his wife and children and inheritance be confiscated to the royal court and he proscribed.³¹⁷ But if he is a Christian, after seizing the plunder and selling the person and his wife and children to relatives or Christians, [the king] may release him. But if this does not happen, let him be punished in the eyes or hands, and [then] released.

If a foreigner kill a Christian deliberately, let him be killed in his stead; but if without premeditation, let him be punished in his hands, and let him pay the blood price.

Now the blood price of a man is not in accordance with a worthy price, because he is the work and image of God,³¹⁸ and it is only for God to raise the dead. Let nobody suppose that the price of Joseph and of the Lord was truly twenty or thirty,³¹⁹ because the sellers were thieves. But I think that fittingly and very appropriately the [blood] price is 365 *dahekans* according to the duration of time.³²⁰ This price is according to rational grace, and in accordance with Christianity will double and increase by stages. But for foreigners let it be a third, in that they do not have the grace of reason or of Christianity.³²¹ Let this be the sentence in these matters. But if it is impossible for him to pay restitution, let him be sold and [the money]

³¹⁶ Religion: *awrēnk'*; see p. 22 above, n. 216. MG frequently stresses his concern to commute the death penalty in order to allow time for repentance, so that the offender may not perish eternally. For his views on commuting the old Law see the Introduction. For the punishments involved see further references in the Index, s.v. "eyes," "hands."

³¹⁷ Proscribed: *taragir*, only here in MG.

³¹⁸ Gen. 1.27. See p.149: there is no price for a man. Man: *mard*, a person of either sex.

³¹⁹ Gen. 37.28 [20 *dahekans*]; Mt. 26.15 [30 *arcat'*, "pieces of silver"].

³²⁰ In Smbat's code 300. MG's blood price seems to have no parallel in other Armenian texts. Papovyan notes that Grigor Tat'ewac'i, *Girk' Harc'manc'*, p.243-4, interprets 365 as the total number of bones and veins in the body.

³²¹ For Muslims as irrational, cf. the pun on p.154. On p.36 Christians are called "irrational."

be paid to [the relatives of] those killed,³²² and his house be confiscated to the royal court.

If a Christian kill a foreigner deliberately, let him pay the blood price according to the example shown; and if without premeditation, half of the price. And the price shall go to the royal court, but one third shall be given to his own people.³²³

Now if a Christian kill a Christian deliberately, let him pay the blood price to his own people, and let the fine to the king be according to ability [to pay]. Although according to the Law he is worthy of death,³²⁴ yet after receiving punishment in his hands let him come to repentance. If he is poor, let him be sold with his own [family]³²⁵ to a relative, and [thus] pay. But if without premeditation, let him give half of the price to his people, and the fine to the king according to ability; but let him not receive punishment. Let the king judge these [cases], and leave the judgment of all others to the judges. As for those totally unclear, [let them be left] to the affirmation of assessors.³²⁶

Princes may not be allowed to put murderers to death without the permission of the king; but let them have authority to punish thieves. [31]

Let a noble not be authorised to punish thieves without the permission of a prince.

The model of division of captives and of booty should be described. If it happens that a king goes on a raid with all his troops, with banners and trumpets,³²⁷ to the land of enemies, and having taken plunder returns, let the gold found in the booty belong to the

³²² Lit: "to those killed," but see the following paragraph. The version in G indicates that the money goes to the *arēntērk'*. This word, "lords of the blood," is not attested in the *NBHL*.

³²³ I.e. the relatives of the dead man. This is not a question of killing in warfare, for which see ch.233. In this chapter Christians and *aylazgi* are often contrasted. Since the text is largely based on the OT, I have translated *aylazgi* throughout as "foreigner," rather than as "Muslim." But MG is clearly adapting the OT legislation for his own time.

³²⁴ Ex. 21.12. Again MG commutes the Law to allow for repentance.

³²⁵ With his own: *iwrovk'*, i.e. wife and children, as just above.

³²⁶ Assessors: *uñič'k'*. See above, p.20 and n.219, for these assistants to the judge.

³²⁷ Banners and trumpets: *drawš, p'ot*. For these signs of military authority see Sebēos, pp. 77, 94, and commentary *ad loc*.

king.³²⁸ Let him not take it by oath.³²⁹ But let a herald [be sent out], so that if any is found later in someone's possession, he pay a seven-fold fine. But let [the king] give a tenth to the church.³³⁰

Half of the captives and booty will be the king's; let him give a tenth to the churches, and from the [other] half [a tenth] to the soldiers.³³¹ Each prince will make the same division, and they too will first give a tenth to each one's churches.

Now if the king is not with the army, and the princes are with their own banners and trumpets, the gold likewise is the king's, and from the captives and booty a tenth is the king's. But to the churches let them give a fiftieth, which is in accordance with the Law.³³²

A prince may place trumpets and flags over province and castle.

It is not appropriate for a king or prince [to send out] raiders, but only scouts.³³³ But if outside the law they go out or they send them out, because of that command one half of the [captured] men and animals will be theirs. But if they go forth without a command, the two shares will belong to the raiders, because they willingly risked death. We have said this according to custom, because it is not a command from scripture.³³⁴ For when a soldier dies in battle his lord is not guilty. But when a raider is sent out and dies, the lord is guilty of his blood; though if the raider goes of his own accord, not. Let him ransom the one he sends out if he is caught; but whom he does not send, let him ransom himself.

If a soldier captures someone in battle, let his clothing and all his weapons be his; but the helmet will be the lord's.

Let the silver in the booty belong to the princes, but copper and iron and their like to the soldiers. Let brocade and silk³³⁵ of all kinds belong to the king; fine wollens and linen to the princes; and rough woollens and linen to the soldiers.

³²⁸ But in Num. 30.52 the gold goes to the Lord.

³²⁹ This is not clear. One is not to keep booty by swearing [that there is none?]. For the church and booty see also ch.251.

³³⁰ One tenth, *tasanord*, to the church: as *Buzandaran*, V, 31.

³³¹ It is not clear how much goes to the soldiers. The text does not state that the other half goes in its entirety to the soldiers [or "army"], but a part of it, *i kesoyñ*.

³³² Num. 31.30: 1/50th of the booty goes to the Levites.

³³³ Raiders, scouts: *goł, lrtes*. The latter is a common expression, but *goł*, "thief," here means rather "thief of the night, furtive brigand."

³³⁴ See the Introduction for a general discussion of MG's sources.

³³⁵ Silk: *kerpas*, but on p.138, *metak's*.

Let kings and princes take justly the tribute of provinces and peoples – let them not seize more than the customs of their predecessors. For they must give account for everything, since they have been appointed by God for the salvation and protection of the country, not for its ruin.³³⁶

So let it be as follows. Let them take a fifth of the cultivated land, as Joseph ordained in Egypt. For when he acquired the land for Pharaoh, he then appointed a fifth.³³⁷ It is clear that first it was [all] their inheritance, and not a fifth. In this fashion let it now also be done. For field and vineyard and garden which is bought for money should not be subject to tribute of the fifth; likewise for watermills and homes. But if the inhabitants pay tribute for their manufacturing or commerce,³³⁸ because there is no head-tax for Christians but only for foreigners,³³⁹ when they are captured let them be put under tribute.

Let irrigated lands be under [tribute of] a fifth; but dry lands should pay [32] a tenth. For the soil alone belongs to a prince or king, and not the water. Likewise the non-irrigated vineyards and orchards [pay a tenth].³⁴⁰

Likewise also on the days of the week let him work one out of seven for the prince and lord. It is a great injustice that one be subjected to work more.

For a single ox let there be no other tax, since it is a fifth of the work done.

For a cow let it be a single pound of butter.³⁴¹

Let there be no other tax for pasture-land, because it is the herds-men who are taxed.

Let sheep when lambing be assessed at a tenth. If it pleases their lords, let him exchange [the tax] for a sheep according to value.

³³⁶ This theme is emphasized by T'ovma Arcruni, e.g. p. 254. Efišē, p. 26, stresses that rulers have to "give account."

³³⁷ Gen. 47.20, 24: 1/5th for Pharaoh.

³³⁸ Manufacturing, commerce: *aruest* [*aruestawor* is "artisan"], *tačar*, which means "trade" or "market," see p.13, n.143.

³³⁹ Head-tax: *hark glxoy*. Cf. p.29, where foreigners do *not* pay head-tax if they surrender.

³⁴⁰ Orchard: *carastan*; this is the only reference in the NBHL.

³⁴¹ Pound of butter: *litr ewl*. *Litr* is a unit of weight, not of liquid measure; see Manandian, "Les poids," p.332-3.

Let there be no tax on a horse, mule, or donkey, because with these very often he performs the lord's service.

At the New Year according to ability let him work, and on the days of festivals. Let there not be much extortion;³⁴² but let illegal customs not exist at all, because this limit was set on many and superfluous customs.

Without a legal decision let [no one] be fined or impose a fine, save if he is found very much at fault in affairs of his lord. But if he is found remiss in other matters, let it be decided through judges.

It is not legal for princes to tax believers whom foreigners³⁴³ tax; because it is right to take tax from foreigners, but not from the former, as the Georgians do to those subject to them.³⁴⁴

Should a king give a province to a prince, if he builds with his permission a castle or buys a town or [cultivates] the wasteland of a region, let it be reckoned as inheritance for him. Let him not exchange it without great and legal penalty; and after their death let it belong to their sons with the king's permission. Likewise let the nobles be subject to the princes, and the peasants subject to the nobles.³⁴⁵ When they cultivate wasteland, and hack out fields from forests, let it be an inalienable possession for their children also after their death. Alienation will be legal for a great crime, but let them not alienate it for the excuse of slander.

Let there be freedom [from taxation] for newly settled places, until they are completely established.

In the construction of a city or castle, if the king's funds are lacking, let everyone together support it.

Let men who inhabit a city be more honoured than villagers; likewise, let greater honour be paid to villagers than to inhabitants of a farm. Let it be done similarly for inhabitants of a castle and town; for this was the arrangement of our former kings.³⁴⁶

³⁴² Extortion: *č'ək'č'ək'*; only attested in three texts according to the *HArmB*, s.v. B, note ad loc, indicates that it was common in speech.

³⁴³ Foreigners: *aylazgi*, here, Muslims. The contemporary situation is clearly intended; cf. p.29, n. 313, above.

³⁴⁴ For other references to the Georgians, then ruling in northern Armenia, see the Introduction, p.14.

³⁴⁵ Peasants: *šinakan*. For further references see the Index.

³⁴⁶ Another reference to Movsēs Xorenac'i; see II, 8. Cf. p.95 for the honour due city-dwellers. For villagers, *geļjunk'*, see the references to "village" in the Index.

Agriculture is necessary and useful among the arts, and smithing and carpentry; but tilling the soil is [the task] of the many. Let working in iron and wood be more honoured. Rational medicine is useful for the nature of the body and necessary among the arts; let this also be honoured.³⁴⁷

Although all who are considered insignificant are most necessary, [33] yet let those of whom there are few be more honoured by the royal court for the needs of the public in general. Now needful and necessary among the rational arts, and salutary, is the work of a *vardapet*. Let him be given prime honour among princes and at the palace, because he is a father to all and a healer of souls.³⁴⁸

Those who happen to read this may in every way mock the precepts of these laws, looking on us as similar to those who in dreams phantasize kingdoms and many pleasant things, but on waking up are devoid and bereft of everything. But let them know that I am not unaware that every earthly kingdom is transitory and mutable – but especially so was our kingdom, because the past one is no more and does not presently exist, and I do not expect to encounter it in the future.³⁴⁹ However, giving shape to my desires I fulfil them, and I hasten to preserve intact the suitability of this undertaking. For which reason may we be forgiven in these matters by those who see accurately, for I am ready to collect insults from those who criticize without examination, and from these too, if it be appropriate and they do not wish to exculpate us.³⁵⁰

³⁴⁷ For doctors see p.41. Cf the S-R, §138: doctors, teachers, and scholars do not pay taxes.

³⁴⁸ See Introduction for the role of *vardapets*.

³⁴⁹ For the demise of the Armenian kingdom, cf. above, p.25, 28. Not all Armenian writers were so pessimistic about the future; for apocalyptic ideas see Garsoïan, 1994, Sanjian, 1970, Thomson, "Crusaders." MG mentions St. Nersēs once, p.94, but not his prophecy.

³⁵⁰ To exculpate us: The sense of *t'otul azats* is not clear.

Chapter 3³⁵¹Concerning statutes for abbots of hermitages³⁵² and their brethren

The order of spiritual statutes and the discipline of virtue has been set down adequately for brethren and their abbots by saint Basil.³⁵³ But of necessity we are adding in moderation indications of the code of corporeal regulations, because not all are now living according to his rule. Nor are we authorised to consider anything far from the intention of the saint's rule, but we travel in paths that are consonant with it.

So let us begin as follows. Because kings and princes, and also all believers, build monasteries not for the sake of any corporeal hope but rather for a spiritual one, therefore it must not be an inheritance. For he who formerly was abbot of brethren, if he builds on his own [site] a place for brethren or on [the site] of others, and he administers it well, it is illegal to transfer him; but if he does anything contrary [to the rule], with two or three witnesses it is necessary to remove him.

If with his own possessions anyone comes to the direction of brethren,³⁵⁴ it is right to give him in writing and with witnesses the original possessions of the monastery. If it happens that he leaves [the monastery] and does not wish to leave to the church also what he brought, let him be authorised to take his own, and to leave there what was given in the name of the church.

Now after the death of abbots let it not be allowed for his family to receive the direction of the brethren like an inheritance, if they do not wish and it is not appropriate.³⁵⁵ But if the abbots' relatives are pleasing in their conduct and the brethren so wish, it is better for them [to govern the monastery] than outsiders, as being aware of their way of life, according to the saying: "Let the sons be in place of

³⁵¹ B: I, 2; K: 62.

³⁵² Hermitage: *anapat*, lit. "desert," the standard term for a *laura* as opposed to a coenobitic monastery, *vank'*. Cf. p.25 above. For the term see Garsoian, *EH*, p. 506-7, and Thomson, "Monks and Monasteries," in *Ēazar P'arpec'i*, p. 269-71. Abbot: here *hayr*, "father," but *araj̄nord* [see p.7, n.86] below.

³⁵³ For the Armenian version of Basil's Rules see Uluhogian, *Domande*.

³⁵⁴ Direction: *araj̄nordut'iwn*.

³⁵⁵ Nersēs of Lambron attacks such irregularities, *Commentary on the Liturgy*, esp. p. 524, 526. See also Basil, *Domande*, no.35.

the fathers."³⁵⁶ But if the relatives are not suitable, [34] then [new abbots] must be chosen by the other brethren to be good pastors at God's will.

It is outside the law³⁵⁷ for princes to appoint by bribes an abbot for the brethren whom they do not wish; and it is consonant with the code for the brethren to leave [the monastery] until the best is chosen in accordance with their wishes. But let their wishes be unanimous, and let the bishops be the regulators of these matters and not someone from the secular ranks.

Because of the tasks in the monastery they are especially to work, and the aim of them all is identical – the hope of everlasting life. But if anyone short-sightedly does not leave everything for the spiritual recompense, let something more be given him, lest for that reason some lack be caused for the brethren.³⁵⁸ And if they have a complaint, let the rule be for the complainer to carry out the task. This we have imposed outside the canon of saint Basil's intention for the sake of the simple-minded. If those who are not the immediate users of tools damage any instrument among the tools, let the damager be required to replace it.³⁵⁹

These points concerning the rule were set down in brief for the sake of good order. But let the definitions of the all-seeing holy regulations suffice as demonstrated.

Chapter 4³⁶⁰

Concerning the statutes for *Vardapets*

Let the *vardapets* be duly trained³⁶¹ in the Old and New Testaments and the canon laws. Let them be summoned by two or three *vardapets* to the honour of that rank, even if it happens that they were the pupil of [only] one. And if they carry with them the

³⁵⁶ Ps. 44.17. This quotation is used by Agat'angelos, Aa §862, regarding Gregory's consecration of his son Aristakēs as his successor.

³⁵⁷ Canons of Dvin, 10 [= KH, II p. 210].

³⁵⁸ The sense is not clear. The one less spiritually-minded seems to be offered a greater reward in this world to encourage him?

³⁵⁹ The example is taken from ch. 242 below, p.149.

³⁶⁰ B: I 3; K: 20.

³⁶¹ Trained: *naxakrt'ealk'*, the verb being a calque on the Greek *progymnazo*. For the duties of *vardapets* see the Introduction.

good will of a bishop, or more especially of the patriarch, or of a prince, they will do well; but if not, let them be confirmed according to law by two or three [other *vardapets*]. However, those appointed by a single one or elected by themselves the laws of the code will silence. But those legally appointed are to be honoured, in that [a *vardapet*] is second in prophetic grace, since by his labour he joins the apostles and by grace, the prophets;³⁶² hence he is elected and called through preaching ability.³⁶³

Now as for those trained by one *vardapet* and who would presumptuously receive from another the honour of that rank, spurning their own [teacher], let it be the rule that he repeat what he has learned from the former; or having repented with a worthy penance, with the permission of his own [teacher] let him be reinstated. And the one who summoned him without the agreement of his own *vardapet* will pay punishment if he is impenitent. But if he is penitent with appropriate remorse, let him receive forgiveness from the one whom he slighted for proposing his election without the latter's permission.

If it happens that a *vardapet* excommunicates anyone either among the laity or ecclesiastics, let another *vardapet* not release him.³⁶⁴ If it be done in a fit of passion [35] or by ignorance, let there be a mediator to set it aright, without blame and without opposition. But if he does not obey, let him be bound instead of the one bound until he repents. If he is in the right³⁶⁵ and no one else obeys him, let it be the rule that he too is bound with the one bound until he repent, if he is one of the ignorant and presumptuous. But if he is one of the approved ones,³⁶⁶ let him demonstrate in front of him the reason for his bonds; and if he forgives him the response, he will not be guilty.

³⁶² 1 Cor. 12.28: first are the apostles, second the prophets, third the teachers; cf. also p. 134 below. Acts 13.1 associates prophets and teachers.

³⁶³ Preaching ability: *ban*, which renders the Greek *logos*. It can thus mean "reason," or "discourse." Later in this section it clearly refers to the *vardapet's* exposition of scripture; and ability in that is the prime qualification needed. *Ban* can also be used as an abbreviation for *banadranc*, "excommunication." See also the next note.

³⁶⁴ Excommunicate/release: lit. "bind/loose." For the theme see Šahapivan, *Canon* 18 [= KH, I, p. 460]. See the Index for the different terms used for excommunication.

³⁶⁵ The sense of *et'e irawac'i ē* here is not clear: "if it is right," or "if he is justified"?

³⁶⁶ Approved ones: *i vkayeloc*, lit. "of those attested." See also p.35 bottom.

If it happens that in one monastery³⁶⁷ there are two *vardapets* or even more, let them summon the one who is most proficient³⁶⁸ as their head and senior with the permission of the abbots, so that there may be good order also among these and they not give a cause for stumbling by each one seeking superiority of rank. If they are each reckoned equal, in that it is impossible to compare their talents, let the elder bear the honour; and with his permission let the others adorn the feasts with preaching, and also [carry out] the further duties of instruction. If anyone arrogantly infringes the rule of the order, let the statute be for him to depart with the agreement of the brethren.

Let them not accept each other's pupils without the written [permission] and agreement of the other. But if anyone so act presumptuously, let it be the rule that as long as he has studied from the one let him learn again, and the latter should teach him; or if he repents, with his agreement let him remain and let [the second] receive him.

It is the law for a senior *vardapet* to enter his rank with the approval of a patriarch or bishop, or for anyone else with the approval of them both, so that nothing be done by a bishop outside the canons, and so that the bishops in unison with the *vardapet* carry out each one's responsibility. And if any of the *vardapets* does not obey him, in accordance with the judgment of the bishop and of the first *vardapet* let him leave their community.

From those who are about to be summoned to their official rank, it is right to demand a reckoning of their study of scripture – where and under whom he studiously read each book.³⁶⁹ And this is for the following reason. We do not know the learning of the one who goes around to many [teachers]. So to prevent them deceiving the untutored on receiving this honour, and working much harm through their inexperience, let this be the legal requirement. But the selection should be made openly. Let them be compelled to come forward not by their own will, but after examination of their progress, their respect, their good direction of their own souls and those of others;

³⁶⁷ Monastery: *elbayranoc'*, lit. "fraternity," as p.25. For *elbayr* as "monk" see p.33. In pre-coenobitic days the term meant a "hermitage," *Buzandaran*, V 28, VI 16.

³⁶⁸ Proficient: *yaṛajadēm*, as p.28, n.287 above.

³⁶⁹ Book: *taṛ*, also used for "letter." For the individual books of scripture MG had used *glux*, "chapter," above, p.23; and for the "chapters" of the code, *čar*, p.25.

moved by the Spirit, let them be summoned to the service of preaching³⁷⁰ with irreproachable scruple of conscience.

Let it be the rule for the precipitate and those who beg others to come to the rank of instruction, to be silent until they are first healed of affliction, lest those sick of soul make many afflicted. And this is the legal rule for them. It is not right to despatch them without rank to every place; but if they wish to travel³⁷¹ in their own province or in another, let them circulate in good order with the agreement and permission of the bishops. These will be [the rules] for approved persons. But as for the obscure ones who go about, and the avaricious, and those who go around wishing to show themselves inquisitive in everything, cultivating the stomach and other passions,³⁷² boasting and criticising the approved ones – let such be silenced by legal judgment, [36] their rod be removed from their hand, and their walking staff given up.³⁷³

If it happens that a *vardapet* go as a guest to another monastery³⁷⁴ where there is a *vardapet*, let him not speak without honouring the *vardapet* of that place. But let the latter speak first according to the custom of the place, and then the guest when pressed by all. If the guest is someone approved and the local one wished him [to speak] first, let him speak in accordance with his wishes. But let him not go on at length and shame his host, and make him scorned by his own people. So if he breaks this rule and brazenly speaks without being asked, let it be the rule that he be sent back in dishonour.

Chapter 5³⁷⁵

Concerning the statutes for priests

Let it not be [allowed] for priests to treat the congregation as an inheritance, as we see [now],³⁷⁶ because in the division of the inheri-

³⁷⁰ Preaching: *ban*; see above, n.363.

³⁷¹ Travel: *pandxtanal*, "to be a *panduxt*," traveller or pilgrim. Cf. p.24 of MG himself.

³⁷² Cf. the behaviour of deceivers at holy places, p.153-4.

³⁷³ Rod: *gawazan*, their badge of office. Walking staff: *c'up*, as Mt. 10.10, used below, p. 52, for crutches.

³⁷⁴ Monastery: *vank'*. There seems to be no difference for MG between a *vank'* and an *elbayranoc'*, n.367 above.

³⁷⁵ B: I 4; K: 49, 50.

³⁷⁶ The *Kanonagirk'* does not refer to priests making the church an inheritance, but cf. Clement, *Canon* 70 [= KH I, p. 94] for bishops doing so. Nersēs Lambronac'i

tance they even give to daughters the price of the blood of Christ. The statute will be to take the flock of Christ from such bishops and to give it into the hands of those who pasture the Lord's own, and to respond to them rightly that whom you take captive with your sword and ransom with your money, those you will have as your inheritance, and not those saved through the sufferings of Christ. And if he is insolent, he is to be deposed³⁷⁷ from the priesthood.

If it happens that lay people change habitation, let them be a flock for that priest where they live. And let not the former one be opposed to that, because the model of pastoral duty is identical throughout all places of the orthodox.³⁷⁸ Let it be a rule for these [priests] that the first one gives to the Lord a reckoning for the time of the first, and the last one for the last one's [time of duty]. If they are opposed to this, as being avaricious over irrational sheep,³⁷⁹ it is right for the one opposed to be deposed from the priesthood. But as for those who do not have the rank of priesthood and by force acquire the Lord's people, let it be the rule either to become priests or to desist from that evil custom.³⁸⁰ And if they do not obey the law, let them be deposed by the bishops until they repent.

It is not allowed for monastic priests to be a shepherd of lay people; but let them occupy themselves with the religious community which they have accepted, and let them receive dues³⁸¹ from that congregation according to the canonical rule of saint Sahak.³⁸²

It is not [allowed] according to the rules of the lawcode to celebrate a memorial feast in a convent, because the eating of meat is not permitted to nuns in a convent.³⁸³ But if they make offerings³⁸⁴ in the

also inveighs against this practice; see his *Commentary on the Liturgy*, p.524, 536, for clerics in various ecclesiastical ranks giving their families their positions as "a corporeal inheritance."

377 Deposed: lit. "silenced," as also below.

378 Orthodox: *uṭṭap'ar*, a calque on the Greek *orthodoxos*.

379 The flock of Christ is normally a flock of "rational" sheep! No variant to the text is attested in T'orosyan's collations.

380 Cf. ch.250 regarding secular foreign control of churches and holy sites.

381 Dues: *has*, as above, p.27.

382 Sahak, *Canons* 40-43 [= KHI, p.397-402] discusses the respective duties of monastic and married priests at festivals.

383 Memorial feast: *hogehangist*, for the "respose, *hangist*" of the departed's "soul, *hogi*." Convent: *vank*; nuns: lit. "virgins." Eating of meat: *msakerut'iwn*. Eznik, §414 attacks those who refuse to eat meat as being influenced by the Marcionites.

[outside] world, let them bring a portion into the monastery, as befits them. But if because of incapacity or hope³⁸⁵ they bring it into the monastery, and contrary to the lawcode they cause the laity to eat meat, let not the priests of the region be opposed in these matters, because it is not the rule to demand more than the possible or to cut off hope; [37] for they must avenge the disorder of others, and not [be involved] in these matters.

If anyone of the laity has salt blessed in his house by another priest because of disobedience to his own priest, and gives him the skin and spine,³⁸⁶ let it be the rule for him to give double to his own priest; and the priest who breaks the law will worthily receive judgment from the bishops. But if he does it in his house for the sake of the hope of the elect, or because there was no priest nearby, and he gives the skin and the spine to his own church, let there not be any judgment on him.

If any layman disdains his own priest by insulting him, or he is presumptuous and strikes him, the rule is that by law he is to have his hand cut off. But if in great remorse he falls down before him and begs to be forgiven, let him pardon him.³⁸⁷

If a priest, for the sake of avenging himself, excommunicates anyone for whatever reason, he especially condemns himself. But if it is for the sake of avenging the law of the Lord, when he repents let him pardon him in compassionate penitence. But if, for the sake of avenging himself, he does not pardon the penitent, let it be the rule that he be excommunicated by the bishops until, in remorse, he forgive the penitent. However, the one who was bound, whether justly or unjustly, is under excommunication until he repents and forgives him.

The whole code for priests has been indicated from written texts.³⁸⁸

In the same sense Gangra, *Canon 2* [=KH, I, p.191, 193] and Second Canons of Nicaea, 48 [=KH, I, p.81].

384 Offerings: *zenumn*, lit. "sacrifices," i.e. the *mataf*, made explicit in *G*, p.308.

385 I.e. hope for the departed's soul; cf. the next paragraph.

386 I.e. of the animal sacrificed as *mataf*. For the skin of the sheep going to the priests at an *agap*, see Canon 41 of Sahak [as n.382 just above].

387 Cf. ch. 37 below for dishonouring a priest.

388 From written texts: *i groc'*, not "from scripture" here.

*Chapter 6*³⁸⁹

Concerning the statutes for a husband and wife who cannot undo virginity

It has been appropriately demonstrated that it is fitting for the husband to be older in age and the wife younger, just as was shown at the creation of the *protoplastoi*,³⁹⁰ so that the man may have authority in all respects over the woman; as in other matters, likewise in marriage.

If it happens in marriage that the husband is impotent over the woman, according to the rule of the canons let them stay together for the time [of their marriage].³⁹¹ If there be judgment of separation, let him give into his wife's possession all the property which the wife brought into the husband's house, and let him release her to marry another. For although it is not according to the former canons, yet in accordance with the later ones it was allowed thus.³⁹² But for this let there be no fine for the husband, because it is an involuntary affliction. And let everything be given back except the robes which were made for them both at the wedding.³⁹³ And if she brought an animal, let them give back the original and divide the offspring into two for the sake of the labour in keeping them. And let the expenses and gifts of their mutual relatives not be taken into account.

We have reckoned these legal judgments pleasing, so that just as he was not lord of the woman in marriage, neither should he have authority over her possessions. But with the agreement and at the will of the husband let her marry another, and let the husband marry a [previously] married woman.³⁹⁴ [38]

³⁸⁹ B: 15; cf. K: 71-2.

³⁹⁰ Protoplastoi: *naxastelck'*, the standard Armenian equivalent; cf. Wisdom 7.1. The male is mature at 14 years; see p.12 above. According to Nerses Šnorhali, *Encyclical*, p.133, the male may marry at age 15, the female at 12.

³⁹¹ Athanasius, *Canon* 21 [= KH I, p. 298-9]: if a male is not virile he cannot divorce his wife. Cf. also ch.167 below for impotence.

³⁹² The Armenian *Kanonagirk'* does not include such a canon. For further references to divorce and separation see the Index, s.v. divorce.

³⁹³ Wedding: *harsanik'*, as in the NT, but only here in the *Datastanagirk'*. MG normally uses the term *psak*, lit. "crown," for the religious ceremony [see p.38, n.402], and *amusnut'iwn* for the state of being married, as in the previous paragraph.

³⁹⁴ Married woman: *kin amusnac'eal*, MG does not specify whether widowed or divorced.

Chapter 7³⁹⁵

Concerning the statutes for a husband and wife, if it happens that one is afflicted by demons, or suffers from syphilis or leprosy,³⁹⁶ or from a long-standing illness, or is crippled, and whatever is like these

If it happens that a husband or wife is afflicted by a demon, it is right to make an enquiry. If it happened before they came together and was hidden deceitfully by the wife's parents, let them take her to their home; and let them take care of the gifts of the betrothal³⁹⁷ and the other necessary expenses, but not the husband, because she was afflicted not in the husband's house but earlier in their house. Let them do this in all cases according to the rule of the canons.³⁹⁸ If she recovers, let her be given back to her husband if the man agrees; but if not, she will be free.³⁹⁹

Now if the affliction occurs in the house of the husband, let the husband look after her according to this prescription until the term of recovery. But if she is not cured after seven years, according to the rule of these last canons let her be released from her husband to the house of her father with her own possessions, and let the husband marry another wife. If there are children, let the man keep them with him, and as much as possible also care for the upkeep of his wife;⁴⁰⁰ but with permission from the wife, then let him take another wife. But if she will have been afflicted in the house of her father, let the husband be authorised [to take another wife] at the completion of the term of healing if she is not cured, and even before the term without

³⁹⁵ B: I 6; cf. K: 72.2-3.

³⁹⁶ Syphilis, leprosy: *urkut'iwn*, *borotut'iwn*. *Borot* is standard Armenian for "leper," but *urkut'iwn* [not in the Armenian bible] is often associated with leprosy, e.g. MX, II 60, of Hadrian's affliction. It is equated with a bodily impurity affecting both men and women in KH II, p. 109-10. So I follow the *HArmB* and translate as "syphilis." In ch.190 MG indicates that those suffering from syphilis, *urkut'iwn*, suffer from an open wound, while lepers, *borot*, do not. For demon-affliction see the references in the Index. Here there is a parallel with the rule in the Syro-Roman Code, §81, regarding the division of the dowry and bride-price whether the demon-affliction occurred before or after marriage.

³⁹⁷ Betrothal: *uxtk'*, lit. "pact, covenant," or "vow [as p. 74]."

³⁹⁸ Basil, *Canon* 247 [= KH II, p. 168-9], for separation after seven years of demon-affliction.

³⁹⁹ Free: *išxan*, i.e. "authorised" to marry again.

⁴⁰⁰ For parallels to caring for one's spouse see references in Yovhannisian, p.350.

the agreement of the woman. And the rules of the statute of separation will be the same as was explained above for the impotent.⁴⁰¹

If it happens that the husband is afflicted by a demon, if it was before the marriage⁴⁰² let the wife be allowed to remain for the term of healing, or not to remain. But if it happened after the marriage it is right for her to be patient for the term of healing, and then with the permission of her husband to be married to another.

But if it is a matter of siphilis or leprosy, these afflictions are hidden with difficulty. If knowingly he agreed [to marriage] with the expectation of her healing, on the supposition that the affliction had not spread, he is condemned to endure it all and is not authorised to leave her. But if the wife, having scruples, gives the husband permission to marry another, let him marry. It will be similar if the affliction will have occurred in the husband's house. But if the parents fraudulently hid the fact,⁴⁰³ the man is allowed to leave his wife and take another according to his wishes. The rules of the statute will be as follows. Knowing the affliction at marriage, or being afflicted in the house of the husband, until death they shall look after each other, and then return the possessions of the dowry.⁴⁰⁴ But if the parents concealed it, let them look after [her] with their own possessions. However, if the husband have the affliction, whether before marriage with the expectation of health or after marriage, the wife is not allowed to marry another husband, except with the consent of the first husband. But if it was deceitfully hidden, then the wife is authorised to take another husband without his consent.

If it happens to be a long and incurable illness or crippling, or something else whereby matrimony⁴⁰⁵ is impossible, which occurred in the house of the husband, [39] the husband is not allowed to leave her. But if the wife has scruples and gives permission to her husband

⁴⁰¹ Ch. 6.

⁴⁰² Marriage: *psak*, lit. "crown." This is the standard term for the religious ceremony from the *Buzandaran*, V, 31, to MG's own time.

⁴⁰³ Hid the fact: *goṭac'an*, lit. "acted furtively, like a thief."

⁴⁰⁴ Dowry: *bažin*, lit. "share," the standard term in MG. Cf. ch. 29, *anbažin*, a woman "without a dowry." The A recension of MG's code never uses the term *proygy* [though it is found in chs. 6 and 9 of the G recension], which is standard in the Syro-Roman code, Smbat's code, and several Armenian authors; see references in the *HArmB*, s.v.

⁴⁰⁵ Matrimony: *knutiwn*, i.e. the ability to act as wife.

to marry again, let him marry and care for her upkeep and give her possessions back to her, according to the rules of the statute. Let it be the same also in the case of the man; and with the husband's permission let the wife marry another.

*Chapter 8*⁴⁰⁶

Concerning the statutes for a husband and wife who are taken captive

If she is delivered into captivity from her husband's house, she should be ransomed by her husband alone; and if from the house of her parents, by them both, when she may be there without the consent of her husband.⁴⁰⁷ Let this be the statute for that case. As for the time for remaining faithful, let it be that of the canons.⁴⁰⁸ If he does not find her before seven years have passed, let him take another wife with the consent of the parents of the wife taken captive, and let him return the possessions that were given in dowry. Let it be the same for a man taken captive, that the wife can marry again in accordance with the stipulated time.

*Chapter 9*⁴⁰⁹

Concerning the statutes [in a case] of hatred between husband and wife

When a husband and wife hate each other by demonic affliction without the reason of adultery, if the beginning of the affliction preceded the marriage and is on the husband's part, and if he does not wish to live in harmony with her, let there be a determination of separation for those demon-possessed. After much admonition and remonstrance let them be parted. According to the judgment of the canons the husband is not authorised to marry again; but the wife may take another husband, taking her own dowry and a third from the husband's, in that he dishonoured her marriage.⁴¹⁰

⁴⁰⁶ B: I7; cf. K: 72.4.

⁴⁰⁷ The text in *G* explains this situation as the result of a quarrel!

⁴⁰⁸ Dvin, *Canon 7* [= KH II, p. 205-6], seven years. See also ch.206 for the seven year rule.

⁴⁰⁹ B: I8; cf. K: 72.5.

⁴¹⁰ No canon in the Armenian *Kanonagirk'* specifically addresses separation for demon-possession. T'orosyan refers to canons which permit separation on

Let the same rule stand if it is on the wife's side; she is not authorised to marry, unless they have scruples and give each other permission. But let their mutual forgiveness occur with the bishop's permission, when he reckons that forgiveness is appropriate and pleasing to the Lord. Let their giving of mutual permission be done thus in all cases at the will of the prelate;⁴¹¹ for the prelates have authority, and not they over themselves. The fine and penance have been indicated by the canons.

But if the affliction occurs after marriage and the birth of children, in accordance with the definition above let the separation occur with admonition and much remonstrance. And let him give half of their possessions to the wife in that they were united. But he is not authorised, except with the wife's permission, to marry again. If of his own will he marries someone on whom he had cast an eye, the canons have indicated the judgment for these, and the fine and the penance. But if the separation is on the wife's side without a cause, let her leave to the husband one third of her own possessions; and she may not take another husband except with her [first] husband's permission.
[40]

*Chapter 10*⁴¹²

Concerning the statutes for a husband and wife who commit adultery

If someone's wife be found in these evil vices, let her husband be authorised to divorce her in accordance with the Lord's command.⁴¹³ And because he does not allow the divorced one to marry,⁴¹⁴ so that she may be reconciled with her husband or remain unmarried, according to the apostle,⁴¹⁵ therefore when the wife repents let him be authorised to take her back again, and that without accusation of fornication. So let the husband of an adulterous wife be authorised to

grounds of adultery or other evil deed: Neo-Caesarea, *Canon 12* [= KH I p. 183-4], also quoted in ch.146, Šahapivan, *Canon 3* [= KH I p. 432-5]. For full references to demon-possession in MG's code see the Index, s.v. demons, possessed.

⁴¹¹ Prelate: *araj̄nord*, as p.7, n.86.

⁴¹² B: I 9; cf. K: 72.6. The title is not accurate, since the case of an adulterous husband is not addressed; cf. ch. 28.

⁴¹³ Mt. 5.31-2, 19.7-9.

⁴¹⁴ Lk. 16.18.

⁴¹⁵ I Cor. 7.11.

take her back if she repents, or not to do so. But the woman cannot marry again, according to the rule of the canons; though a man is authorised to marry, and a woman may be married with her husband's permission.⁴¹⁶ A wife is not authorised to leave an adulterous husband, except that she may go away for a time for the sake of admonition. Now the mode of division of the property will be the same as was set down for the case of hatred.⁴¹⁷

Chapter 11 ⁴¹⁸

Concerning the statutes for infertile husbands and wives

If someone's wife is found to be barren, let him not divorce her for that reason, because it is for the Creator to give natural offspring. It is to be examined, for if it is caused by some disease she may be helped by doctors;⁴¹⁹ and if it is not caused in that way, she must endure the natural sterility.

But if for lack of an heir she sees her husband saddened, and she is compassionate and she gives him liberty to take another wife, according to the example of Abraham and Sarah,⁴²⁰ let him marry. But he is not to keep together the barren one and the fertile one. Let him act likewise, if it is the man who is sterile. Let the statutory time be more than that for impotent persons, and not less.⁴²¹

If the wife does not wish to marry another, let him care for her upkeep while she is alive, as a widow in another house, and let him return the property which the wife brought. But if he was aware previously of her sterility and he married her because of lustful desire, let there be no separation until death. This I think a true judgment.⁴²²

⁴¹⁶ Neo-Caesarea, *Canon 11* [= KH I, p. 183] refers to a woman being taken back; Athanasius, *Canon 61* [= KH I, p. 315], explicitly states that a wife who committed fornication cannot marry another husband. See further ch.145: they can both marry by mutual consent.

⁴¹⁷ Ch.9.

⁴¹⁸ B: I 11; cf. K: 72..7. For infertility see also ch.196, based on Canon 5 of Šahapivan [= KH I, p.436-8]; cf. also Post Apostolic Canons, 5 [= KH I, p.104], Athanasius, 59 [= KH I, p.315], Basil, 312 [= KH II, p.158].

⁴¹⁹ For doctors helping sterility see David, ch.53. For doctors in MG's code see the references in the Index.

⁴²⁰ Gen. ch. 16.

⁴²¹ I.e. seven years; see ch.7.

⁴²² For MG's personal comments see the Introduction.

*Chapter 12*⁴²³

Concerning the statutes for which reasons a wife may leave her husband

When a wife discovers her husband's evil passion for sodomy or bestiality,⁴²⁴ or his pollution with foreigners,⁴²⁵ let her be authorised to leave him. But if he repents, persuades his father confessor, and through him his wife, she is not to leave. But let the father confessor indicate [to the husband] the due penitence and the statutory means of separating from the wife; having given admonition in this way, let him establish unity. But if [the husband] does this once or twice [41] and returns to the same vice, let her depart by the rules of the statute, taking half of his property from her husband.⁴²⁶

*Chapter 13*⁴²⁷

Concerning the statutes if for reason of hatred husband and wife leave each other and are joined to another, and it happens that the one with whom they were joined dies, and they return to each other

If a woman through hatred leaves her husband and marries another, and it happens that the one she took dies and of necessity she returns to her first husband, provided that the husband did not take another wife let him take her back, if she repents that it was not right for her to marry another man yet she did.⁴²⁸ Although he is allowed not to accept her because the cause of separation came from the wife, yet for the sake of saving her soul⁴²⁹ let him take her. Likewise if it

⁴²³ B: I 11; cf. K: 72.8.

⁴²⁴ Sodomy and besiality are often correlated, e.g. ch.189. Yovhannēs Mandakuni, *Homily* 19, links bestiality and sodomy with effeminacy. See also Post-Apostolic Canons,1 [= KH I, p.103], Nicaea, 18 [= KH I, p.129], Basil, 77 [= KH II, p.119], and further references to sodomy and bestiality in the Index.

⁴²⁵ Foreigners: *aylazgik'*, i.e. Muslims; cf. above, p.1, n.2.

⁴²⁶ The text in *G* makes it clear that it is half of the husband's property, not half of their combined property. Athanasius, 26 [= KH I, p.301], deals with the wife of such an offender, who does not wish to remain even if her husband has repented and performed the penance imposed by vardapets.

⁴²⁷ B: I 12; cf. K: 72.9.

⁴²⁸ In ch.9 a wife is *not* permitted to remarry if she left her husband because of hatred caused by demon-possession.

⁴²⁹ For MG's emphasis on this theme see the Introduction.

happens that a husband takes another wife, and the one he took dies, and having repented he returns to his first one, provided that she did not marry another let her take him, and let the wife be reconciled with him because of the mode of repentance and penance of the two.

But if after their separation from each other the husband takes a wife, and the wife a husband, and the man's wife dies and also the woman's husband, whom they married, and because they have no other marriage,⁴³⁰ let them be compelled to return to each other and be united, the one who was the cause of the separation giving penitence to the other.

If the wife's [second] husband should die, and the husband's [second] wife is living, and the wife is the cause of the separation and she out of necessity repents and seeks back her [first] husband, it is not right according to the rules for the man to accept her, especially if there are children and another husband is not found for the [second] wife. But if one is found, let the husband be authorised to take back his [first] wife who has constrainedly repented, or not do so. Likewise if the man's [second] wife should die.

*Chapter 14*⁴³¹

Concerning the statutes if through commerce or for some other reason the husband should remain away, and the wife marry another

When a husband for some reason or because of commerce goes on a journey and stays away, it is right for the wife to remain faithful.⁴³² But if a false report comes of his death and the loss of others, let her not marry another husband until it she verify it, even if the absence continues for many years. But if the account of his death is reliable, for seven years let her not marry according to the statute of those taken captive.⁴³³ Now if before that term she marries, or before verification, and her husband returns, he is authorised to take back his wife, on the grounds that that man is not married,⁴³⁴ even if there

⁴³⁰ Marriage: *psak*, i.e. a ceremony in church. The question of which partner has incurred a *psak* is central to the argument of the next section.

⁴³¹ B: I 13; cf. K: 72.10.

⁴³² Remain faithful: *ansal*, lit. "be obedient, patient."

⁴³³ I.e. Dvin, 7 [= KH II, p. 205-6]. See also ch.8 above, and ch.206 below.

⁴³⁴ Lit., on the grounds that he does not have a *psak*.

are children. But if he is married and she agrees to those who intercede, it is her decision to submit or not.

But if after the stipulated term and with a genuine supposition of his false death, he does return, let him not take back his wife if he is married and she is not. [42] But if she is married and he is not, let him take her even if there are children. But if she is not married nor he, and there are children by him, let him not take her because he returned after the set term. But if she does not agree to this, on asking the wife which she likes, let her be his, so that perhaps in this way the dispute may be resolved. And if she looks favourably on him because of his youth,⁴³⁵ let them⁴³⁶ conciliate the two [men], if they agree. Concerning these matters we saw this as a legal statute.

But if the man remains in a distant country, either for commerce or for another reason, and he takes a wife there, and if he does so even without delaying [for seven years], let his wife not marry another for seven years; perchance on repentance he may return. But if after that, provided she verifies everything through priests, let her be loosed from the jurisdiction of her husband and marry another. But let her not marry before these [seven years] for another cause, even if the delay lasts for many years, because it might happen that they remain away for twenty years, more or less. Let it be done with verification and investigation. But if he comes after the set term, when his wife will have married a husband, let him not take her back according to the code, because he dishonoured the blessed marriage.

Chapter 15⁴³⁷

Concerning the statutes if a husband continually quarrels with his wife, insulting her, and strikes and beats her, or mutilates and maims her

If a man, filled with demonic passion,⁴³⁸ continually dishonours his wife with insults, if there are step-children⁴³⁹ and for that reason he is

⁴³⁵ The version in *G* calls the second husband *ayrik*, which implies a younger man than the first *ayr*.

⁴³⁶ Them: i.e. those "who intercede," as in the previous paragraph.

⁴³⁷ B: I 14; cf. K: 72.11.

⁴³⁸ Demonic passion: *diwakan axt*, not *aysaharut'iwn*, "demon affliction" of p.38 and the title to ch.16.

⁴³⁹ Step-children: *xort'k'*. The word is ambiguous: either "bastard [as Heb. 12.8]," or "step-," as often below; see esp. ch.102 and 212.

mad, let the judgment be as follows. If at the beginning he accepted them, he is obliged to endure them; but if not, let him send them back to his wife's family.

But if he acts because of his foul character, breaks [a bone] or mutilates her,⁴⁴⁰ let the sentence be the same as for the outsiders, to pay the fine due the wife's [family];⁴⁴¹ and let it be double – for they should reckon them not as concubines but as their own flesh – and that, when they repent. But if they remain in the same obstinacy and there is a fear that perchance by striking her he may kill her, after much admonition and remonstrance let her depart; for the Lord indeed said: "Because of your hard-heartedness Moses said to let your wives go."⁴⁴² And lest they be hard-hearted merely as an excuse, he added: "save for reason of fornication." For it was commanded in the Law to let them go, lest death be worked.⁴⁴³ It was said by the Lord for the same reason; so here too we have judged separation appropriate as an example of the same. But the division of property is described in the [section] concerning those who hate [each other].⁴⁴⁴

*Chapter 16*⁴⁴⁵

Concerning the statutes if the affliction of syphilis⁴⁴⁶ is not obvious, or anything of that kind, and insanity, fornication, demon-possession, for which they can either leave each other or not, but only through folly they leave each other

If a man, without a reason, because of insanity⁴⁴⁷ roves around and abandons his wife, taking no care of her, and his wife endures it for more than [43] seven years, and often the [relatives] of the wife reprove him and call him back, but he is unwilling, and they certify that there is no recourse – let them seek from his mouth whether he

⁴⁴⁰ Mutilates: *xlē*, lit. "pulls out." The version in *G* adds "eye," so the crime was interpreted as more than pulling out hair!

⁴⁴¹ For the fines see T'orosyan, p.564, n.56, based on unpublished manuscript evidence.

⁴⁴² Mt. 5.31-2, 19.7-9, as in ch. 10 above.

⁴⁴³ Cf. Deut. 22.21.

⁴⁴⁴ See ch.13.

⁴⁴⁵ B: I 15; cf. K: 72.12.

⁴⁴⁶ Syphilis: *urkut'iwn*, see ch.7.

⁴⁴⁷ Insanity: *pakasmtut'iwn*, lit. "feeble-mindedness;" cf. *pakasamit*, p.100.

will take his wife or give permission for a divorce. He should perform the penance of those who abandon their wives,⁴⁴⁸ and he cannot take another wife as long as his own wife is alive. Let this sentence be for all who repudiate their wives without cause. But if the wife has scruples, let her give permission.⁴⁴⁹ Let it be the same also for the wife, if she should suffer this affliction.

Chapter 17⁴⁵⁰

Concerning the statutes for husbands and wives who apostatise

If a husband apostatise,⁴⁵¹ tricked by Satan and his accomplices, or by force, let his wife not dwell with him even if he forces her, lest she fall into his error. But if he agrees to go to a distant country and there to hold the truth in penitence, for the sake of her husband's salvation let his wife go with him,⁴⁵² continually encouraging and consoling him, to repent with him as much as possible in order to receive compensation as the winner of his soul.⁴⁵³ Let it be the same if it happens to the wife. The same law is to be observed regarding those who go astray into sects or schisms.⁴⁵⁴

Chapter 18⁴⁵⁵

Concerning the statutes if for rancour against his wife a husband fall into apostasy, or a wife [for rancour] of her husband

If a husband for resentment of his wife fall into apostasy and he repent, let there be penance for the wife if she was willing; and [if she

⁴⁴⁸ Those who abandon their wives: *kna't'ot* [cf. *knahan*, "those who repudiate their wives," just below]. This is based on Šahapivan, *Canon* 4 [= KH I, p. 435-6], quoted directly in ch.195.

⁴⁴⁹ I.e. for the husband to remarry.

⁴⁵⁰ B: I 16; cf. K: 72.13.

⁴⁵¹ For rituals of apostasy, *urac'ut'iwn*, cf. David, ch.45, and the Syriac texts quoted in Harrak, "Christianity in the Eyes of the Muslims," PO 20.

⁴⁵² The text in *B* adds an appropriate quotation from I Cor. 7.12-17.

⁴⁵³ Although there are numerous canons in the Armenian *Kanonagirk'* regarding the penalties for apostasy [e.g. Šahapivan, 8; Basil, 37; Second Canons of Nicaea, 11-12; Gregory, 5], none suggests going to a foreign land. But in Muslim controlled areas of Armenia it would be impossible for an apostate to Islam to reconvert to Christianity without risking death.

⁴⁵⁴ Sects, schisms: *aland*, *herjuac*, see p.22, n.233 above.

⁴⁵⁵ B: I 17.

was] unwilling, for the husband. But if he remains impenitent, let his blood, in accordance with the law, be sought from the wife at a price, with penitence, and let his judgment be for the Lord. Likewise if the wife falls [into apostasy].

If he commits suicide,⁴⁵⁶ and either the man is drowned⁴⁵⁷ or the woman, let it be the same sentence. I think that according to the judgment of the canons the second marriage is prohibited.

Chapter 19⁴⁵⁸

Concerning the statutes for a husband and wife who kill each other

If a man kills his wife because of fornication, let the blood judgment be sufficient, because it was commanded by the Lord to divorce and not to kill her.⁴⁵⁹ And if it is for another cause arising from her evil way of life, let him pay a double fine. If the wife kills her husband with poison or in some other way, let the sentence be the same.⁴⁶⁰

Let no one look for penance in the lawcode, because that is a matter for the canons and the soul; but this is for the body, and penance [44] will be too light with regard to a fine. For I think it not inappropriate to impose sentence even on the soul sometimes, as here now for the body.⁴⁶¹

Chapter 20⁴⁶²

Concerning the statutes for princes guilty towards kings, and of others towards them

If a prince or others of a royal house are guilty towards the king, or other lower persons towards a prince, according to the code after

⁴⁵⁶ Commits suicide: *ziwrovn ert'al*, for this sense cf. Jn. 8.22, Acts 16.27. No references to suicide in the KH are concerned with second marriages. The main concern in the *Kanonagirk'* is whether a liturgy may be celebrated in memory of the deceased or not.

⁴⁵⁷ Drowned: *xetdel* could also mean "to suffocate" or "be hanged." Here the version in Gadds "falling into a river" to make the sense clear.

⁴⁵⁸ B: I 18; cf. K: 72.14.

⁴⁵⁹ Mt. 5.32, 19.9, as above.

⁴⁶⁰ Armenians seem to have been concerned about women using poison; see further references in the Index below and in Thomson, "Let the Astrologers," p.312.

⁴⁶¹ See the Introduction for MG's views on the contrast of secular and canon law.

⁴⁶² B: II 2; cf. K: 2.

the death of those guilty the sons and brothers are to retain their inheritance; and the sons are not to be deprived for reason of their fathers, if they are not of the same behaviour. For each one should die in his own sins according to the Lord's command.⁴⁶³

*Chapter 21*⁴⁶⁴

Statutes for peasants

Our human nature was created free by the Creator,⁴⁶⁵ but it was made to serve lords for the needs of earth and water. I think⁴⁶⁶ this statute appropriate, that when one leaves the lord's [estate], he is free to live wherever he wishes. But if any lord does not permit him, and forces those who depart to return, after the death of the father the children born of him are free to go elsewhere and not remain there.

*Chapter 22*⁴⁶⁷

Concerning the statutes for murder by children

When murder is committed among children, if the one who killed is older than twelve years let it be as mature blood, and in accordance with that let him be fined. But for those less than that, like eleven or ten years old, let it be half; while below ten let it be a third. Although in other crimes the canons bid that below fifteen the sins of childhood are not to be remembered,⁴⁶⁸ in the matter of blood we have reckoned the law to be thus.

Although in all statutes in different places it is reckoned to be outside the canons and opposed to them, as regards [the punishment of]

⁴⁶³ Cf. Deut. 24.16. "The Lord's command, *terunakan hraman*" would normally refer to Christ; but this quotation is not found verbatim in the gospels. Cf. ch.127: fathers are not to die for their sons.

⁴⁶⁴ B: II 3; cf. K: 118.

⁴⁶⁵ Not in Genesis.

⁴⁶⁶ Note MG's personal statement. For lords pursuing their servants see David, ch.45.

⁴⁶⁷ B: II 4; cf. K: 126.

⁴⁶⁸ MG is referring to Basil, *Canon* 131 [= KH II, p. 131], which quotes Ps. 24.7. That text, however, does not say "fifteen" but "youth." There is no biblical reference to 15 as the age of responsibility. See further p.12. The Syro-Roman code, ch.4, states that a male child becomes free of his guardian at the age of 15.

men and women in the code, yet we have made bold [to state the above] having the record by the scrutiny of *vardapets*.

*Chapter 23*⁴⁶⁹

Concerning the statutes for children if at play they maim each other or break [bones], or deprive [each other] of faculties

When children in their games harm each other, whether by chance or in anger, let these be judged in like manner as in murders, [45] and let the ages be similar as for murder. Let the fine be in comparison with the faculties [lost], and let him be fined for the loss and the healing.⁴⁷⁰ We have viewed this statute as legal with regard to children.

*Chapter 24*⁴⁷¹

Concerning the statutes if children harm each other in water

When children swimming in water drown each other, let them judge after seeing whether it was simply⁴⁷² at play or in spiteful anger, or whether of his own accord he sank to the depths and it was impossible for the others to bring him out. Let them be judged comparably to the ages for murder; and in that manner let sentence be given according to the laws.

*Chapter 25*⁴⁷³

Concerning the statutes for children, if for a wager they instigate each other to run down from a high place, or over rough ground or across snow, or to go over other such terrain

In the case of children of the sort described above, let the age of the instigator be judged as for murder, and let it be half the damages if death occurs, especially if the one hurt is older in years; but if

⁴⁶⁹ B: II 5; cf. K: 127a.

⁴⁷⁰ The loss [*xap'anac*, lit. "obstruction," i.e. the inability to work and loss of earnings] and the cost of healing are often mentioned as the basis for an appropriate fine.

⁴⁷¹ B: II 6; cf. K: 127b.

⁴⁷² Simply: *parzmtabar*, lit. "simple-mindedly," i.e. "without evil intention."

⁴⁷³ B: II 7; cf. K: 128.

younger, let it be half of the half, as for eleven or ten year olds. And those even younger are to be judged in the same way. For just as the canons according to the *vardapets* do not justify at all such persons, neither does the code. And if it is a case of mature persons, let them be judged by the same standard.

*Chapter 26*⁴⁷⁴

Concerning the statutes for youths who harm each other for reasons of frivolous wagers

Youths are accustomed to instigate each other in frivolous fashion to lift weights, like stones or other such things, and to be harmed or harm each other. If the one who instigated put anything on a bet openly, and someone duped by him is harmed, it should be half the damages for blood, in that he committed a crime by word, especially if the one duped is older in years; and let him be fined for the loss and the healing. We have set this down⁴⁷⁵ lest death occur for a frivolous reason.

*Chapter 27*⁴⁷⁶

Concerning the statutes for drunkards and the harm caused by them

When harm is caused among drunkards, according to our spiritual laws let there be no forgiveness for that, because in the first place drunkenness is condemned. [46] And if they hurt or maim each other in fighting, let there be a reliable judgment and a fine for the healing and the loss. If death is caused, let the circumstance be investigated, whether it occurred by ill-will or by mistake or by some other such cause, and whether it was instigated by the two [equally] or more by one of them;⁴⁷⁷ and in this way let sentence be exacted and the blood-price paid. Let the company of the drunkards be reliably judged and the fine also imposed on them. If any harm is done to faculties, for this too let there be judgment. According to the Law they are worthy of death; but we reckon this statute appropriate in order that they may receive admonition and be saved in accordance

⁴⁷⁴ B: II 8; cf. K: 129.

⁴⁷⁵ Does this imply that MG is the first to make such a rule?

⁴⁷⁶ B: II 9; cf. K: 130.

⁴⁷⁷ More by one: *mioyn arawelead*; the sense is not clear.

with our Gospel.⁴⁷⁸ Let them act carefully,⁴⁷⁹ for if there is no shame for that evil deed let there be no admonition but only a fine and penance.

Chapter 28⁴⁸⁰

Concerning statutes for adulterers and other malefactors

When the evil act of adulterers with a married woman is revealed, let vengeance be done according to the statute. Even if it is willingly and by the invitation of the woman, or if she is polluted by lasciviousness for a man, once or many times, if for that the perpetrator is condemned, according to the Law he is worthy of death,⁴⁸¹ but in accordance with our Gospel let his blood be ransomed.⁴⁸² Likewise let the intention of the woman be questioned, et cetera. But other judges think it right to cut off the private parts of those men, as of the one who commits bestiality or sodomy.⁴⁸³ But the law commutes that canonical punishment for a payment. Let these [rules] apply if there is any need for judgment.

If it is committed by foreigners⁴⁸⁴ and they are under our control, it is legal to castrate them.

But if a man commits adultery with a widow, or deceives her into marriage, or the cause is from the woman, if he forces her and he is condemned and shown guilty, let the man be fined in the amount of half for the betrothed virgin,⁴⁸⁵ whether he marry the guilty widow or not.

⁴⁷⁸ Ex. 22.23-4, attacked in Mt. 5.38-42, Lk. 6.29-30. For MG's adaptation of the OT Law see the Introduction. For his emphasis on saving souls cf. p.43. Only brigands, ch.51, seem to be offered no opportunity for repentance!

⁴⁷⁹ Carefully" *naxaxnamabar*, lit. "with forethought." Shame: lit. "fear."

⁴⁸⁰ B: I 9; cf. K: 72.17.

⁴⁸¹ Lev. 20.10, Deut. 22.22.

⁴⁸² Not a quotation from the NT [though cf. Mt.5.38-9 for the thought], but in accordance with MG's own philosophy; see further the Introduction.

⁴⁸³ Castration is mentioned in ch.243 as a punishment comparable with the harm done – though the crime is not there named. It is not proposed as a punishment in David.

⁴⁸⁴ Foreigners: *aylazgi*, i.e. Muslims.

⁴⁸⁵ Cf. Deut. 22.28-9, and the next section. Betrothed: *xawsec'eal*, lit. "bespoken." Ch. 81 distinguishes violation and seduction of the betrothed; see also ch.140 for abduction of betrothed maidens.

*Chapter 29*⁴⁸⁶

Concerning statutes for virgins who are not betrothed

For the violation of a betrothed [maiden] let the sentence be the same as for a married woman, in whatever manner it may be.⁴⁸⁷

"But if someone find a young virgin who is not betrothed to a man, and by force sleeps with her, let the man who slept with her give the girl's father [47] fifty double-drams of silver, and let her be his wife; and he will not be authorised to divorce her all his lifetime."⁴⁸⁸

That is according to the Law. For us let it be that the man takes her without a dowry⁴⁸⁹ and he cannot divorce her. But if they do not so wish, let the fine be as for the one betrothed.⁴⁹⁰

*Chapter 30*⁴⁹¹

Concerning the statutes for those who slander their wives

"If anyone takes a wife and hates her, and falsely slanders her as not having been a virgin, when the woman has shown the truth by confession⁴⁹² and the knowledge of other women, let the man be punished with a beating and be fined the equivalent in our [currency] of one hundred shekels according to the Law; and let the woman be his wife, and let him not divorce her all his lifetime. But if the report is authenticated and the virginity of the girl is disproved, [the sentence is] death according to the Law."⁴⁹³ But with us let the man be allowed to divorce her if he wishes; or to keep her if it pleases him, and not to make it public. For much is done by deception to virgins, and because there was no dishonour in the husband's house. The husband, if he divorces her, is allowed to marry another wife, and the wife a husband, because she did not commit adultery while under the control of her husband. Let this be the statute for us when it is fully [investigated] and verified. And if he does not wish to take her in accordance with

⁴⁸⁶ B: I 20; cf. K: 73.

⁴⁸⁷ See also ch. 81, 140. The Syro-Roman code, §62, imposes the death penalty.

⁴⁸⁸ Deut. 22.28-9.

⁴⁸⁹ Without a dowry: *anbažin*, see ch. 8 above.

⁴⁹⁰ Ch. 81.

⁴⁹¹ B: I 21; cf. K: 74.

⁴⁹² Confession: not in Deuteronomy, which describes only the physical evidence of virginity.

⁴⁹³ An abbreviated rendering of Deut. 22.13-21.

the false slanders, the fine for that has been shown elsewhere.⁴⁹⁴

Chapter 31 ⁴⁹⁵

Concerning the statutes for provinces and villages and their affairs

In provinces let a gold-mine situated in all the territory of princes belong to the king; while a silver-mine is a queen's.⁴⁹⁶ It is at their will for them to be shared, or not.

But copper and iron and other such [metals] are to belong to the magnate princes as the gifts of kings. Likewise salt and borax, naphtha and bitumen, glass, and other such things.

Jewels and pearls are to be royal property, and whatever else among precious [stones].

As for tar and incense and yellow-incense, gall and mastic, agaric and scammony, and other such things which are traded for profit, let a tenth go to the princes.

Let all fruit found in the forests of anyone's territory belong to the peasants. It is legally required for outsiders to give a tenth at the gathering of fruit which is not their own [48] to those whose territory it is, and at their request let it be done willingly. Likewise wood for building, and grass for pasture and mowing, and earth for tilling.

Rivers do not belong to those from whose territory they flow, but to those whom they reach.

Let game belong to each of those who go hunting. Of that hunted by outsiders a tenth should be given to him whose territory it is. Likewise a tenth of game driven from forests should be given to him whose territory it is. In the same manner let it be done for fishing, as in these other cases.

Chapter 32 ⁴⁹⁷

Concerning the statutes for treasure-trove

If anyone should happen to find gold or silver treasure in a field or in any other part of his property or while building his house, if by its

⁴⁹⁴ Cf. Basil, *Canon* 203 [= KH II, p. 155], for the slander of a wife. The canons mentioned in T'orosyan's note ad loc are not relevant to the case of false slanders.

⁴⁹⁵ B: II 10; cf. K: 3. MG returns to the topic of ch.2, though villages are not actually discussed here; see the Index for further references.

⁴⁹⁶ Queen: *t'aguhi*, only here in MG's code.

⁴⁹⁷ B: II 11; cf. K: 4.

likeness they know that it belonged to earlier kings, let it be royal property. To the finder a tenth should be given; for the place and the finding, double. But if it is only the discovery, let it be a simple tenth, and let double be given to the lord of the place. However, if it is thought by some noble or other wealthy persons⁴⁹⁸ that it comes from their family, let it belong to those whose proper inheritance it is; and a tenth should be given to the king and to the finder and to the [owner] of the place, if it is not their own. But if it should chance to have belonged to [the finder's] own ancestors, a tenth should go to the king. And if the finder should be a hired man, I do not think it right to give a tenth, but a part.

Chapter 33⁴⁹⁹

Concerning the statutes for those who fight and pluck out beards

If men come to blows and one happens to be immature yet audaciously plucks out the beard⁵⁰⁰ of the mature one, let the sentence be as follows: to have his hair cut off in double amount, and to be beaten as is worthy, especially because he dishonoured the noble. But if the attacker is powerful or noble, let it be as fine half the fine for the [loss of] one faculty. Let it be so for this case, because the model has been shown for other statutes of fighting.⁵⁰¹

Chapter 34⁵⁰²

Concerning the statutes for stores of seeds

If anyone opens a store⁵⁰³ of grain or of other seeds, and allows one of his own people or an outsider to fall inside it, and he dies, [49] let the sentence be of death. But if he is hurt, let him be fined for the

⁴⁹⁸ Wealthy persons: *p'art'am*, which does not seem to have a technical or class sense. Noble: *naxarar*, the only use in MG's code of this standard term for the senior member of a noble family; see EH, p.549.

⁴⁹⁹ B: II 12; cf. K: 5.

⁵⁰⁰ Martin-Hisard. p.153, n.54, notes a curious confusion in the Armenian version of Leo's *Ecloga* between *mōru*, "beard, and *mōru*, "step-mother" – but not in connection with the present subject!

⁵⁰¹ Cf. ch. 42, for clerics fighting, and ch. 60ff. in general.

⁵⁰² B: II 13; cf. K: 6.

⁵⁰³ Store: *hor*, lit. "cistern, pit." This section is based on Ex. 21.33-4.

healing and the loss.⁵⁰⁴ For he should have waited until the smell came out, and in that way to have taken precautions. Let this judgment stand for that case. But the one hired for pay and previously cautioned – let him be investigated with rigorous scrutiny; and likewise the one forced to it.

*Chapter 35*⁵⁰⁵

Concerning the statutes for peasants⁵⁰⁶ hurt by their lords more than is customarily allowed

If [a lord] mercilessly orders [a peasant] to work more than the norm,⁵⁰⁷ and thereby danger of death by their lords befalls those subject to them, let the greatest lords be liable to blood-judgment, and in worthy manner let them demonstrate penitence with humility, and recompense the others for the harm – the cost of healing and the loss – and [pay] the fines for those who are incurable.

*Chapter 36*⁵⁰⁸

Concerning the statutes for those who are not priests but carry out some [priestly] activities; or priests who commit some illegality

"The apostles established and firmly laid down that no one who had not received the unction of priesthood was to presume to act in any capacity as a priest; or that a priest do anything for favour or with partiality outside the rules⁵⁰⁹ and laws, but justly and impartially."⁵¹⁰

Prelates must thus respect this apostolic canonical injunction in order to dissolve the evil habit which the laity practice, men and women, to be overseer⁵¹¹ of a church, and to silence priests who behave avariciously and with partiality and in other wicked ways. This

⁵⁰⁴ Healing and loss: cf. p.45.

⁵⁰⁵ B: II 14; cf. K: 14.

⁵⁰⁶ Peasant: *šinakan*, as ch.31. In K *mšak*, "labourer," is used here.

⁵⁰⁷ Norm: *awrēn*, lit. "rule, tradition." Cf. p.144, where legitimate moderate beatings may cause involuntary death.

⁵⁰⁸ B: I 22; cf. K: 8.

⁵⁰⁹ Rules: *awrēnk'*, in the plural often used for "religion;" cf. n.507 just above.

⁵¹⁰ *Apostolic Canons*, 24 [= KHI, p.43].

⁵¹¹ Overseer: *verakac'u*, a term normally used of bishops. For lay control over appointments to churches and shrines see also ch.48, 250.

true statute is for those impenitent in the church, and for the correction of those who repent.

Chapter 37⁵¹²

Concerning the statutes for those who dishonour priests

"The apostles established and firmly laid down that no one was to dishonour or ridicule or hold a priest in contempt, even if he were one of the unworthy. Let him know that he dishonours God, [50] because [a priest] is a servant of God to you for benefit, and they must give a reckoning for your souls. Is is not written: Do not insult the prince of your people?"⁵¹³

This rule and the one previous, although we wrote them down rather briefly, we are anxious to repeat now from the apostolic canons, for the sake of showing the severity of the punishments of those who dishonour priests.⁵¹⁴ For their judgment is equal to those who dishonour God, by a legal statute, according to the saying: "He who dishonours you, dishonours me."⁵¹⁵ As for those who are not [priests], that has been appropriately demonstrated.⁵¹⁶

Chapter 38⁵¹⁷

Concerning the statutes for judges

"The apostles established and firmly laid down that those who are in the rank of judge and have the authority to pass judgment, if they go askew and act with partiality and condemn the just and justify the guilty, they are no longer to remain in the rank of judge and are to be rebuked and punished, because they did not understand what was written by the divine hand in the Laws of Moses: You are not to pervert the laws in judgment, nor take a bribe regarding the law."⁵¹⁸

⁵¹² B: II 15; cf. K: 9.

⁵¹³ Ex. 22.28, Acts 23.5. MG continues from the *Apostolic Canons*, 25 [= KH I, p. 43-44].

⁵¹⁴ On p.37 the punishment is the amputation of a hand, but that is not found in the canon just quoted.

⁵¹⁵ Lk. 10.16.

⁵¹⁶ I.e. in the previous section.

⁵¹⁷ B: II 16; cf. K: 10.1.

⁵¹⁸ Ex. 23.6, 8. MG quotes from the text of the canon, not the Armenian biblical text. See *Apostolic Canons*, 26 [= KH I, p.44].

From the judgment of judges and from the canonical precepts we have learned that there is one grace⁵¹⁹ in the [various] ranks and [one] role of judging⁵²⁰ in the church; and if anyone behaves outside the laws and with partiality, let him be deprived of that grace. For there exist tribunals of judges composed of those who are superior to them, those who know the precepts of the Law.

*Chapter 39*⁵²¹

Concerning the statutes for the possessions of the church and of the bishop

"Let the bishop's property be manifest, if he has any personal property, and also that of the church, so that the bishop may have authority to leave his own to whomever he wishes when he dies, and on the excuse of ecclesiastical property the bishop is not to be deprived of his own; perhaps he may have a wife and children, or a relative or servants. For it is right that what belongs to God and to men [be distinguished], so that no harm fall on the church from lack of knowledge about the bishop's property. [51] Nor are the bishop and his relatives on the excuse of the church to be deprived of everything, or his relatives to gain possession of any property and by his death to become causes of blasphemy."⁵²²

Behold slanderers reprove the church if it does not observe this statute, because these rules of these statutes derive from the very apostles.⁵²³ For they commanded judges to judge the lawless, and demonstrated the rules for the property of bishops and of the church. Whereby it is clear that they did not only use tradition as a code, but they also employed a good measure of writings as a model, having learned the whole. It is very appropriate for us to behave in that fashion and not in any different way.

⁵¹⁹ The theme of I Cor. ch. 12.

⁵²⁰ Role of judging: *ditotut'iwn*, not a biblical term, nor in the Indices to the KH. At the end of ch.65 it refers rather to a trial.

⁵²¹ B: I 23; cf. K: 10.2.

⁵²² Clement, *Canons* 38 [= KH I, p.85-86].

⁵²³ In the Armenian *Kanonagirk'*, I, p.75, these canons are called "Definitions and canons of the holy apostles, [set down] by Clement, apostle to the heathens."

*Chapter 40*⁵²⁴

Concerning the statutes for the bishop having authority over ecclesiastical property

"We comand the bishop to have authority over ecclesiastical property. For if the honourable souls of mankind are to be entrusted to him, it is even more right for him to carry out affairs so that in accordance with his authority he have care for the needy, and through priests and deacons exercise sollicitude, and act in the fear of God and with all discretion. And they themselves [should provide] if they need anything or for the needs of foreign brothers, lest there be any shortfall in their actions. Because the Law of God commands that those who minister to the altar should be nourished from the altar;⁵²⁵ according to which not even a soldier bears his military weapons out of his own pay."⁵²⁶

Because [the canon] declared above that the property of the bishop and of the church should be clearly [distinguished] – although it added the reason, lest it should be thought that the bishop did not have authority over the property of the church – it indicated that authority, yet it made the rule clear lest he do anything ineffectively which one should think legal in the code of the church.

*Chapter 41*⁵²⁷

Concerning the statutes for bishops and priests who do not give necessities to the clerics

"Any bishop or priest who does not give necessities to any of the clerics who may be needy, should be excommunicated as the murderer of his brother."⁵²⁸

Let the abbots of monks⁵²⁹ hear this canonical statute, because it set pitiless behaviour alongside murderers; and there are many witnesses to this statute.[52]

⁵²⁴ B: I 24; cf. K: 11.

⁵²⁵ Cf. I Cor. 9.13, based on numerous OT passages. For the salaries of clerics see pp.78, 91, 95, 104, 147, and esp. 115-6.

⁵²⁶ Cf. I Cor. 9.7, again not an exact quotation. This continues the previous chapter, being Clement, *Canon* 39 [= KHI, p. 86-87].

⁵²⁷ B: I 25; cf. K: 11 contd.

⁵²⁸ Clement, *Canon* 54 [= KHI, p. 90].

⁵²⁹ Monks: *miaban*. See above, pp. 19, 27, for terms used for monks and hermits.

*Chapter 42*⁵³⁰

Concerning the statutes for clerics who strike in a quarrel

"If any cleric strikes someone in a quarrel and from the single blow he dies, let him be deposed because of his presumption; but if it is a lay person let him be excommunicated."⁵³¹

This canonical injunction is in accordance with the Law.⁵³² For if he does not die but is placed on his bed, and he rises up and walks around on crutches,⁵³³ the one who struck him is not guilty. The rule laid it down that if he dies after this, it is the same as [dying] from a single blow. But if he does not die from a single blow, he will not be deposed; but the statute will be for correction and penance, whether cleric or lay person.

*Chapter 43*⁵³⁴

Concerning the statutes for second ordination

"Let a bishop or priest or deacon who receives a second ordination from anyone be deposed, and also the one who ordained him, unless he shows that he had the ordination from unbelievers,⁵³⁵ because it is not possible for those baptised or ordained by such people to be believers or clerics."⁵³⁶

*It is clear according to the statute of this canon that he who ordains one of those not deposed⁵³⁷ by a patriarch or council, but who is still in his rank – such a one acts presumptuously in a passion, and likewise the one who was ordained; whence it justified deposing them by [this] law.

As for those baptised and ordained by unbelievers – that is, by schismatics – it orders to repeat [the ceremony].

⁵³⁰ B: I 26; cf. K: 11 contd. See also ch. 60 for this topic.

⁵³¹ Clement, *Canon* 61 [= KHI, p. 91].

⁵³² The difference between a victim dying immediately, after some time, or not at all, is based on Ex. 21.18-19.

⁵³³ On crutches: *i c'p'oy*, or "on a walking stick;" cf. p. 36.

⁵³⁴ B: I 27; cf. K: 12.

⁵³⁵ Unbelievers: *t'erahawat*. Just below MG defines these as "schismatics, *herjuacol*," for which see p.13.

⁵³⁶ Clement, *Canon* 63 [= KHI, p. 91-92].

⁵³⁷ It is ... deposed: The printed text on p. 52 of T'orosyan's edition is faulty, as line 19 reproduces line 22; the version of G, p. 321, gives the correct text.

*Chapter 44*⁵³⁸

Concerning the statutes for those who steal from churches

"If any cleric or layman takes a candle or oil from a holy church, let him be excommunicated and fined fivefold⁵³⁹ [the value] of what he took, [be it] a golden or silver vessel that had been sanctified. Let no one steal for [his own] use, because it is an infringement of the law. If anyone is caught, let him be punished and excommunicated."⁵⁴⁰[53]

*Chapter 45*⁵⁴¹

Concerning the statutes for bishops who are accused

"If a bishop is accused before some reliable persons or believers, the bishops must summon him. If he comes and confesses, when they have reprimanded him, let the punishment be defined. But if when they have summoned him he does not obey, let him be called a second time by two bishops sent to him. If even thus he pays no heed, let him be summoned again a third time by two bishops sent to him. If even thus in scorn he will not come to the council, let sentence be passed on such a one, whatever may seem worthy, so that it may not seem that the one who fled gained anything."⁵⁴²

This true law is for action in this way against those accused. But they decide sentence⁵⁴³ in this manner, that it may be imposed after they know accurately the cause.

*Chapter 46*⁵⁴⁴

Concerning the statutes for witnesses about bishops

"An unbeliever is not to be accepted for testimony, nor even one single believer, because every report should be confirmed by the mouth of two or three witnesses."⁵⁴⁵

⁵³⁸ B: I 28; cf. K: 13. See also chs. 75, 87, 177, and David, ch. 80.

⁵³⁹ Fivefold: cf. ch. 75; but fourfold in ch. 177.

⁵⁴⁰ Clement, *Canon* 67 [= KH I, p. 92-3], where the Armenian has run together two canons of the Greek. This is one of the rare sections where MG does not add his own comment to the canon he quotes.

⁵⁴¹ B: I 29; cf. K: 14.

⁵⁴² MG continues the previous section: Clement, *Canon* 68 [= KH I, p. 93].

⁵⁴³ Sentence is decided: *včir ěntrin*, as in G. The verb is pl. passive; only a and e have the active form.

⁵⁴⁴ B: I 30; cf. K: 15.

⁵⁴⁵ MG continues from Clement, *Canon* 69 [= KH I, p. 94]. The text in KH makes the title in MG explicit. The theme of 2 or 3 witnesses is discussed in MG's

*Chapter 47*⁵⁴⁶

Concerning the statutes that bishops are not to ordain any of their own [relatives] without the wishes and agreement of the other [bishops]

"It is not allowed for a bishop to bestow the honour of episcopacy on a brother or son or other relative as he himself wishes, or to ordain [him] as a cleric to his episcopal see. It is not right for human affection to bestow what is God's, so as not to subject the church to inheritance. Now if anyone does this, let his ordination be invalid and he himself excommunicated."⁵⁴⁷

This canon law is so, because one is not allowed to give [what is God's] to one's own: not only to ordain them but also not to make the church an inheritance.⁵⁴⁸ But if someone is presumptuous, there will be a spiritual judgment. If it seems pleasing to many, [it is allowed] to confirm him with a special⁵⁴⁹ blessing; but if not, let it remain invalid and he himself excommunicated, until he demonstrate worthy penance.[54]

*Chapter 48*⁵⁵⁰

Concerning the statutes for bishops who involve themselves in wordly concerns

"It is not allowed for a bishop to involve himself in wordly concerns, but he must be occupied with ecclesiastical needs; otherwise let him be deposed, because no one can serve two masters, according to the Lord's saying."⁵⁵¹

We must not understand this only with regard to being concerned with the affairs of princes, but also whether by agreement he received his diocese from foreigners,⁵⁵² as now many of the bishops

Introduction, ch.7. See biblical and other references there. Unbeliever: *t'era-hawat*, as n.535 above. Again MG does not add any personal comment.

⁵⁴⁶ B: I31; cf. K: 16.

⁵⁴⁷ MG continues from Clement, *Canon* 70 [= KHI, p. 94].

⁵⁴⁸ For this concern see ch.5.

⁵⁴⁹ Special: *masnawor*, "particular, special," rather than "partial."

⁵⁵⁰ B: I32; cf. K: 17.

⁵⁵¹ Saying: *ban*, but *hraman*, "command," in Mt. 6.24, Lk. 16.13, and MG's source, Clement, *Canon* 75 [= KHI, p. 95].

⁵⁵² Diocese, foreigners: *vičak*, also "rank, lot;" *aylazgi*, i.e., Muslims, as above. For such Muslim control of appointments cf. "mammon," p.88, and ch.250.

and priests do, on whom the Lord's [saying] brings worthy judgment, which states: "No one can serve two masters." It is clear that it orders the deposition of the impenitent by law.

Chapter 49⁵⁵³

Concerning the statutes for designating servants into the clergy

"We forbid the reception of servants into the clergy without the will of their lords, to the distress of their owners, because this causes the destruction of houses. But if ever a servant appears worthy of clerical status,⁵⁵⁴ as Onesimos appeared,⁵⁵⁵ and his lords permit it and give him his freedom and send him out of their house, so be it."⁵⁵⁶

This statute of the canons makes these commands in order to preserve the church without scandal, lest on the pretext of piety they do any damage and provide grounds for those who malign us.

Chapter 50⁵⁵⁷

Concerning the statutes for those who dishonour king or prince

"If anyone insults kings or princes unjustifiably, let him suffer punishment. If he is a cleric, let him be deposed; but if a layman, let him be excommunicated."⁵⁵⁸

To pronounce this judgment is for bishops and *vardapets*,⁵⁵⁹ because kings and princes are an image of God.⁵⁶⁰ If the impenitent insulter is a cleric, it is right to depose him; and a layman is to be excommunicated until he repents. And let that now be confirmed.[55]

⁵⁵³ B: II 17; cf. K: 18.

⁵⁵⁴ Clerical status: *žarāngaworut'iwn*; *žarāngawor*, "heir," is used also for "cleric," being a calque on the Greek *kleros*. Here "servant," *caṛay*, referred to a slave in the original [hence, "their owners, *stac'oṛ*"].

⁵⁵⁵ Cf. Col. 4.9, Phil. 10 – neither exact to this passage.

⁵⁵⁶ MG continues Clement, *Canon* 76 [= KH I, p. 95-96]. The rendering of "*caṛay*" as "slave" rather than "servant" would be more appropriate to the time of the canon's composition than 12th century Armenia. Slaves were not used in Armenia, but see p.120 for "*serf*, *struk*."

⁵⁵⁷ B: II 18; cf. K: 19.

⁵⁵⁸ Clement, *Canon* 78 [= KH I, p.96].

⁵⁵⁹ For the roles of *vardapets* see the Introduction.

⁵⁶⁰ For kings as an image of God see Lampe, s.v. *eikōn*, B4. Sebēos, p. 133, has a reference to the emperors as "vicars of God," *telapahs Astucoy*.

Chapter 51⁵⁶¹

Concerning the statutes for those who suffocate children

"If anyone suffocates⁵⁶² a child as a cripple or [born] from adultery, having done that deliberately, let him die instead; for just as it is not possible to restore [a child] again, likewise he cannot do penance."⁵⁶³

Because according to the Law for those [who did this] unintentionally and not on purpose there was escape to cities of refuge,⁵⁶⁴ and because according to the Law this was observed for the sake of⁵⁶⁵ the faithful Jews, hence later on even for this penance was allowed. Penance is for those who willingly confess,⁵⁶⁶ but for the impenitent there is blood judgment.

Chapter 52⁵⁶⁷

Concerning the statutes for thieves and brigands and those who support them

"According to the will of the church let it be right to put to death thieves and those who shelter them, because inveterate brigands and their accomplices⁵⁶⁸ have always been condemned to death. The judge must follow this [injunction]."⁵⁶⁹

This refers to kidnappers and brigands, and according to the Law⁵⁷⁰ it orders them to be condemned to death, likewise their willing accomplices; and according to the laws of the church it still enjoins this.

⁵⁶¹ B: I 33.

⁵⁶² Suffocates: *hefuc'anē*, or perhaps "drowns."

⁵⁶³ Post-apostolic Fathers, *Canon 1* [= KHI, p. 101].

⁵⁶⁴ See Num. 35.11 and Josh. 20.3 for cities of refuge for unpremeditated murder. Note the description in the *Buzandaran*, IV 13, of Aršakawan as a city of refuge and that author's disapproval.

⁵⁶⁵ For the sake of: *yalags*, perhaps merely "with regard to."

⁵⁶⁶ MG frequently recurs to this theme; see the Introduction, p.32.

⁵⁶⁷ B: II 19.

⁵⁶⁸ Accomplices: *hac'amecar*, "someone invited to a meal." The *NBHL* and *HArmB* give only this reference. Just below MG uses *hac'tu*, lit. "one who provides bread," which is much more common.

⁵⁶⁹ Post-apostolic Fathers, *Canon 4* [= KHI, p.104]

⁵⁷⁰ Ex. 21.16, Deut. 24.7. For kidnappers see also ch.58, 74.

This has also been shown to be a statute in accordance with the canons.

*Chapter 53*⁵⁷¹

Concerning the statutes for abductions

"The abducted is to be returned, even if she bears children and the father and mother and girl do not wish, lest she suffer some harm from the wild evil spirit."⁵⁷²

It is clear that, whether married or unmarried,⁵⁷³ [the abductor] is among those who force marriage without consent. If they are able, without scruple they are to return [the abducted] and marry her with her consent. But if they wish later, let it be regularised by penance, just as the canons indicated this.⁵⁷⁴ And this is a true statute of the church. [56]

*Chapter 54*⁵⁷⁵

Concerning the statutes for taking servants according to the Law

If it happens that a Christian buy a Christian servant, according to the Law he should serve for six years and depart in the seventh year.⁵⁷⁶ Let it be for us that when he will have served according to his price, he shall go free. "If he himself entered service alone, he will depart alone; if he entered with a wife, his wife will also go with him."

"But if his master gives him a wife and she bears him sons and daughters, the wife and children shall be the lord's, and he will depart

⁵⁷¹ B: I 34; cf. K: 83.

⁵⁷² Post-apostolic Fathers, *Canon 15* [= KH I, p.108]. The subject is elaborated in ch.198.

⁵⁷³ The use of *psak* implies a religious service; see p.38. Those who force marriage: *binapsak*, only attested here in the *NBHL*. *Nersēs Snorhali, Encyclical*, 458, also discusses forced marriage without consent.

⁵⁷⁴ Šahapivan, 7 [= KH I, p.439-40], Basil, 52 [=KH II, p.115], refers to penance; Basil, 216 [=KH II, p.159], refers to fines. Cf. also Clement, 62; Postapostolic canons, 19; Ancyra, 12., and many others. The Syro-Roman code, §62, specifies death for an abductor.

⁵⁷⁵ B: II 20; cf. K: 115.

⁵⁷⁶ MG here adapts Ex. 21.2-6. Cf. also Deut. 15.12-16. Phrases in inverted commas are direct quotations. The Syro-Roman code has much legislation concerning *caṛayk'*, there "slaves," but MG is not influenced by it.

alone." But let them also go for a ransom. "But if a servant shall give a response: 'I loved my master and my wife and my children,' and he will not go into freedom, let his master take him" to the church of God, and with priests and reliable witnesses and in writing, let him take him "as a servant for ever." And let him not be anxious as to whether he may be able to become free; for according to the apostle: "The servant called through the Lord is the Lord's freeman."⁵⁷⁷

*Chapter 55*⁵⁷⁸

Concerning the statutes for maid-servants

"If anyone should happen to sell his daughter, for whatever reason, as a maid-servant to a believing man, let him not sell her as maid-servant irrevocably; for if she is not pleasing in the eyes of her master to whom she was entrusted, her father may redeem her. But her master is not allowed to sell her to a foreign nation, because he dishonoured her. If he marries her to his son, according to the Law he should make her as a daughter to himself. But if she is not married either to himself or to his son, at the completion of a year of her service for the amount of her price, let her be free for gratis."⁵⁷⁹ But if her father is able to redeem her earlier, let him redeem her.

*Chapter 56*⁵⁸⁰

Concerning the statutes for foreign servants, and likewise maid-servants

If anyone buy a foreign⁵⁸¹ servant or maid-servant, if they accept baptism, let them be subject to ransom; when they have served for the amount of their price, let them be free. But if they do not so wish [to be baptised], let them be allowed to be sold. But let them not be reluctant for baptism because of not gaining their freedom. Let it be the same for those baptised, to be free or not, as for original Christians. Likewise also for maid-servants. [57]

⁵⁷⁷ Cor. 7.22.

⁵⁷⁸ B: II 21; cf. K: 116.

⁵⁷⁹ MG continues adapting Exodus, here 21.7-11.

⁵⁸⁰ B: II 22; cf. K: 115.

⁵⁸¹ Foreign: *aylazgi*, i.e. Muslim; see n.2 above.

*Chapter 57*⁵⁸²

Concerning the statutes for those who strike their father or mother

"He who strikes his father or mother shall surely die."⁵⁸³

These [words] are according to the Law. Likewise let the canons be to repent until death. But let this be the statute. If one does it unintentionally⁵⁸⁴ or in childhood, the parents should pardon; but if presumptuously and haughtily, let the parents be authorised, after many occasions of admonition, in front of priests and elders⁵⁸⁵ to be separated from him and disinherit him. But if in penitence with their consent he returns in worthy penance, let him be received again.

*Chapter 58*⁵⁸⁶

Concerning the statutes for kidnappers

"Whoever kidnaps any of the children of Israel and sells him, or he is found with him, he shall surely die."⁵⁸⁷

Now for us let it be changed with the following revision.⁵⁸⁸ If a Christian kidnaps a Christian and sells him to foreigners and the wicked deed becomes known, for the sake of his attaining penance let him not die but be thrown into prison; with pledges⁵⁸⁹ let him send the price he received and buy back the one he sold. But if he is not able, let the punishment be that of the impenitent; let them give the price to the owners of the one kidnapped, and after punishing him in the eyes let them release him.

⁵⁸² B: II 23; cf. K: 97bis.

⁵⁸³ MG returns to Exodus, 21.15.

⁵⁸⁴ Unintentionally: *yanzgayut'ean*, lit. "in a state of insensibility."

⁵⁸⁵ Cf. Deut. 21.19 for rebellious sons and elders; but there the son is to be stoned. See further ch.112.

⁵⁸⁶ B: II 24; cf. K: 125.

⁵⁸⁷ MG continues from Exodus, 21.26; but "children of Israel" is added from Deut. 24.7.

⁵⁸⁸ Revision: *lrumn*, lit. "fulfilment." Foreigners: *aylazgi*. For MG's attitude to the Law and its Christian adaptation, especially for the possibility of penance, see the Introduction.

⁵⁸⁹ Pledges: *erašxawor*, which could also mean a person acting as surety. The participle *erašxaworeal* is used of a fiancée, "pledged," p.110.

*Chapter 59*⁵⁹⁰

Concerning the statutes for those who slander their father or mother

"He who slanders his father or mother shall surely die."⁵⁹¹

This states that those who openly slander and publicize the transgressions of their parents are to die. But according to us, let it be [like] the statutes for those who strike their parents, as has been demonstrated.⁵⁹²

*Chapter 60*⁵⁹³

Concerning the statutes for those who quarrel

"If two men quarrel, and one of them strikes his companion with a stone or does him violence, and he does not die but is placed on his bed; [58] if the man arises and goes about with a staff, the one who struck him is not guilty; but let him be fined for his loss and his healing."⁵⁹⁴

This judgment was stated in full by the Law, and we are to keep it intact. As for the one who dies, let there be penance.⁵⁹⁵

*Chapter 61*⁵⁹⁶

Concerning the statutes for servants and maid-servants who are killed by their masters

"If anyone strikes his servant or his maid-servant with a rod and they die at his hand, let retribution be taken from their masters by statute."⁵⁹⁷

The statute refers to the master's rod and sword and other such things; at the same time also to their rebelliousness and to the existence of a reason. Whether they are foreigners or Christians, for this let them be fined the blood price.

⁵⁹⁰ B: II 25; cf. K: 97bis.

⁵⁹¹ Ex. 21.17; cf. Lev. 20.9.

⁵⁹² I.e. in ch.57 above. Cf. ch.112 for perverse sons.

⁵⁹³ B: II 26; cf. K: 137.

⁵⁹⁴ Ex. 21.18-19. Cf. ch.42 concerning clerics.

⁵⁹⁵ But Ex.21.12 states that if a man kills another, he is to die.

⁵⁹⁶ B: II 27; cf. K: 117.

⁵⁹⁷ Adapted from Ex. 21.20. MG is not influenced by the Syro-Roman code, §28.

"But if anyone lives a day or two, let vengeance not be sought, for they are the value of the [master's] own silver."⁵⁹⁸ Let there be penance.

*Chapter 62*⁵⁹⁹

Concerning the statutes for striking a pregnant woman when men are fighting

"If two men fight and they strike a pregnant woman and the foetus comes forth unformed, let the fine be half the damage to the extent that the woman's husband may impose on him; and let him give it with supplication. But if it is [fully] formed, let him give self for self."⁶⁰⁰

It is clear that the statute is of divine [origin] in its ruling. Yet there is not one [definition of] "formed" and "unformed" with respect to a man's hope that his wife will give birth; for there are many intermediate stages between formed and unformed.⁶⁰¹ "And let him give self for self." Let this statute be changed into payment of a fine and penance, as has been indicated in the statutes for kings,⁶⁰² this being comparable with those.

*Chapter 63*⁶⁰³

Concerning the statutes for blows

"Eye for eye, tooth for tooth, hand for hand, foot for foot, blister for blister, wound for wound, blow for blow."⁶⁰⁴ [59]

Let this divine statute by the grace of the Gospel⁶⁰⁵ be payable by a fine, comparably with the blood-price for a rational being.⁶⁰⁶ But let

⁵⁹⁸ Ex. 21.21.

⁵⁹⁹ B: II 28; cf. K: 84.

⁶⁰⁰ Ex. 21.22-23.

⁶⁰¹ David, ch.51, states that a foetus is deformed if the pregnant mother has intercourse. For MG's views on the rights of the unborn see further ch.181.

⁶⁰² Cf. ch.2 above, where MG emphasizes the commutation of the death penalty "because of the philanthropy of our religion," in order that the criminal may repent and not perish eternally.

⁶⁰³ B: II 29; cf. K: 137.

⁶⁰⁴ MG continues to adapt Exodus, 21. 24-25.

⁶⁰⁵ Mt. 5.38, where Ex. 21.24 is quoted – though without reference to commutation by a fine!

⁶⁰⁶ I.e. 365 *dahekan*, see p.30.

investigation be made into the greater or lesser of the faculties and into the limbs and actions. And there is a share for each among the limbs and faculties of 26 *dahekan* and half a *dang*, less one *gari*.⁶⁰⁷

Chapter 64⁶⁰⁸

Concerning the statutes for servants and maid-servants who are struck by their masters

"If anyone strikes the eye of his servant or of his maid-servant and blinds them, let him set them free in lieu of their eye. And if he knocks out the tooth of his servant or of his maid-servant, let him set them free in lieu of their tooth."⁶⁰⁹

Perhaps⁶¹⁰ the divine Law would similarly command the departure of servants and maid-servants with regard to other faculties and limbs, parallel to this.⁶¹¹ Now let this statute remain unchanged from the Law for us with regard to believers. But if the servant or maid-servant should be a foreigner, let him sell them for less than they are worth or for half their price, as may be appropriate by legal judgment. Let him be allowed to sell, even if [the servant] does not so wish.

Chapter 65⁶¹²

Concerning the statutes if a bull hurts a man or woman

"If a bull hurts a man or woman and they die, let the bull be stoned; let its meat not be eaten, and the owner of the bull will not be guilty."⁶¹³

Let this statute according to the Law remain firm for us. Let slaughtering the bull replace stoning it; and after selling the meat to foreigners, let them give the money to the poor. This was expressed as a reliable revision.⁶¹⁴ And the owner will not be guilty.

⁶⁰⁷ For the division of a *dahekan* into 6 *dang* and the subdivision of *gari* see ch.104 and esp. 250. The value of the *gari* in Armenian is not consistent. MG's arithmetic does not seem to work out. There are six faculties, p.4.

⁶⁰⁸ B: II 30; cf. K: 117.

⁶⁰⁹ Ex. 21.26.

⁶¹⁰ MG often introduces his own thoughts with "perhaps;" see the Introduction.

⁶¹¹ But OT legislation does not deal with "faculties, *zgayut'iwn*."

⁶¹² B: II 31; cf. K: 122.

⁶¹³ Ex. 21.28.

⁶¹⁴ Revision: lit. "fulfilment," as n.588 above.

"But if the bull be restive⁶¹⁵ yesterday and the day before, and complaints have been made to its owner but he has not removed it, and it kills a man or woman, let the bull be stoned and the owner of the bull die with it. But if ransom is imposed on him, let him give the ransom for his own self, to the full extent that they impose on him. And if it hurts a son or daughter, let them treat it in the same manner."⁶¹⁶

Let this law be defined for us with ransom according to the Law, and not with death; because the Law mixes mercy with verification concerning the reason, [60] and because ransom has been indicated in⁶¹⁷ [the discussion] of blood-price in the statutes for kings.⁶¹⁸

"But if a bull hurts a servant or a maid-servant, let its owner give 30 double-saters of silver and the bull be stoned."⁶¹⁹

It hereby indicates the price of the servant to be given, and that of the bull has also been shown. But according to the statute let there be a distinction between Christian and foreigner.⁶²⁰

If it breaks [a limb] or deprives someone of his faculties, and he is not aware of the bull's [proclivity] to cause damage, its owner is not guilty. But if there has been a complaint and he has not removed it, let him be fined for the healing and loss. Let this be done by judging [the circumstances of] each case.

Chapter 66⁶²¹

Concerning the statutes if a bull hurts a bull and kills it

"If someone's bull hurts a neighbour's bull and kills it, let them buy the live bull and divide its price, and let them divide the dead bull. But if they knew the bull [was restive] yesterday and the day before, and a complaint had been made to its owner but its owner had not removed it, let him be fined bull for bull, and the dead one shall be his."⁶²²

⁶¹⁵ Restive: *harkanot*, lit. "inclined to hit or hurt," as David, ch.42, on the mule, horse, or ox which butts.

⁶¹⁶ Ex. 21.29-31.

⁶¹⁷ In: the *ir* of T'orosyan's text, p. 60, line 1, has to be corrected to the *i* of the version in G.

⁶¹⁸ See ch. 2 above.

⁶¹⁹ Ex. 21.32. *Sater*, as in the Armenian text of the OT. For a table of this and other Armenian weights see Manandian, *REArm* 3, p. 346.

⁶²⁰ Foreigner: as usual MG is using the *aylazgi* of the OT to mean Muslim.

⁶²¹ B: II 32; cf. K: 122.

⁶²² MG continues from Ex. 21.35-36.

Let this statute too from the Law remain firm for us.

*Chapter 67*⁶²³

Concerning the statutes for cisterns and wells, and if any animal falls in

"If anyone opens a cistern or digs a well and does not cover it, and an ox or donkey falls in, let the owner of the cistern be fined money, and he shall give it to the owner, and the carcass will be his."⁶²⁴

We must by law keep this statute. But perhaps [the Law] indicated the unclean [animals] by "donkey" and the clean ones by "ox."⁶²⁵

*Chapter 68*⁶²⁶

Concerning the statutes if a man or woman or child falls into a cistern or well

If a man or woman falls into an opened cistern or dug well, if it be by day half the blood fine should be exacted, but if by night the whole blood fine. [61] Let it be the same for women, servants, and-maid-servants. Let both Christian and foreigner be judged. As at night-time, so let it be for a blind man, a drunken man, and a child.⁶²⁷

*Chapter 69*⁶²⁸

Concerning the statutes if a bull hurts a clean or unclean animal and kills it

If a bull hurts a cow or sheep or any such animal and kills it, in that [its owner] did not know the bull to be restive let him be fined half the price. A very small killed animal will be its own master's; but let a big one be divided, when they will have an equal price. And the harmful [bull] will be sold. But if there has been a complaint and he did not remove it, let him be fined the whole amount. Let it be the same for unclean ones, that is, for beasts of burden.⁶²⁹

⁶²³ B: II 33; cf. K: 123.

⁶²⁴ Ex. 21.33-34; out of order with the preceding chapter.

⁶²⁵ Cf. ch.69, where beasts of burden, as contrasted with sheep or cows, are impure. There seems to be no earlier Armenian parallel for MG's idea that donkeys symbolize impure animals, and oxen pure ones.

⁶²⁶ B: II 34; cf. K: 123.

⁶²⁷ This ch. is not based on the OT. MG returns to Exodus in ch.73.

⁶²⁸ B: II 35; cf. K: 122.

⁶²⁹ Cf. ch.67 for clean and unclean animals.

*Chapter 70*⁶³⁰

Concerning the statutes, if beasts of burden kill each other or cause harm by strangling or trampling

If horses or donkeys or mules by strangling or with their feet kill each other or do some other harm, if their owner knew their stubbornness and did not take precautions, let him be fined the whole amount; but if he was unaware, half of the damage. Let it be the same for any other animal, if they kill or cause harm.

*Chapter 71*⁶³¹

Concerning the statutes if one of these animals mentioned above either by biting or by trampling kills a man or woman, son or daughter, servant or maid-servant

If a complaint has been made, let him be fined the full amount, or if he did not take precautions. But if he was unaware or did take precautions, half for the damage and death. But if [the victim] is not harmed or does not die, let him be fined for the loss and healing: if aware yet without taking precautions, the whole amount; if unaware and taking precautions, half.

I think it legal to pay a fine for loss and healing to all those not hurt and not killed.

But in all cases let *vardapets* review the penances.⁶³² For here we are only concerned with the details of the code for compensation, because necessarily this lawcode looks to its own [purpose].⁶³³[62]

*Chapter 72*⁶³⁴

Concerning the statutes if anyone was killed or hurt by the animals mentioned above; and a horse led out killed or hurt one of his people either in a cistern or in a well

If a servant or maid-servant, or son or daughter or wife, or any other of his own people was killed or hurt, if he was not aware or he

⁶³⁰ B: II 36; cf. K: 122.

⁶³¹ B: II 37; cf. K: 124.

⁶³² For the role of *vardapets* see p.3 above and the Introduction.

⁶³³ I.e. the legal code and its penalties are distinguished from canon law and penances; see further the Introduction.

⁶³⁴ B: II 38; cf. K: 124.

took precautions, let him be not liable to judgment. But if his own people complained, and he neither removed [the horse] nor took precautions, let there be judgment by the *vardapets* to define his penance, whether of one voluntary or involuntary. And this is considered the law for those persons.

Chapter 73⁶³⁵

Concerning the statutes for those who steal oxen or sheep, donkeys and their ilk

"If anyone steals an ox or a sheep, and kills or sells it, let him be fined five oxen for the ox and four sheep for the sheep." If he be found to having nothing, let him be sold in return for his theft. But if he is caught and the booty is found in his possession alive, from ox and donkey to sheep, let him be fined double."⁶³⁶

It is clear that this statute orders the five- and four-fold restitution of those lost; and for those not lost, only double. Accordingly, let us observe this rule of the Law.

Chapter 74⁶³⁷

Concerning the statutes for thieves caught in the act⁶³⁸

"If a thief is caught in the act and is wounded and dies, let this not be murder for him. But if the sun rises over him, he is guilty of death and should die in return."⁶³⁹

If it is done in ignorance in the dark of night, the holy Law does not reckon it sin. But at the dawning of light he is judged legally as a deliberate murderer, for it was commanded that kidnappers should die.⁶⁴⁰ Now for us, let penance be regulated for voluntary or involuntary [manslaughter], and let there be ransom, as was indicated.⁶⁴¹

⁶³⁵ B: II 39.

⁶³⁶ MG returns to Exodus, 22.1, 3b, 4 [for vv 2, 3a see next ch.].

⁶³⁷ B: II 40.

⁶³⁸ In the act: *yakan*, lit. "in the open," as the version in G and the Armenian biblical text. B reads: *i tan*, "in the house."

⁶³⁹ Ex. 22.2, 3a.

⁶⁴⁰ As in ch.52. But this is revised in ch.58, where penance and ransom are enjoined, as here. The Syro-Roman code, §103, forbids killing a thief: he must be brought to the judge for punishment.

⁶⁴¹ See previous note.

If the booty is lost, let it be restored fourfold; and if not lost, double, as in the other cases.⁶⁴²[63]

*Chapter 75*⁶⁴³

Concerning the statutes for robbers of churches

What is stolen from a church and not returned, whether lost or sold, [the thief] should repay fivefold; and for what is not lost, double. The canons have indicated the penance.⁶⁴⁴

*Chapter 76*⁶⁴⁵

Concerning the statutes for [animals] which eat up fields

"If anyone pastures his flock on field or vineyard, and allows it to pasture on another's field, let him be fined from his own field according to its produce. But if it grazes over the whole field, let him be fined the choice part of his own field and the choice part of his vineyard."⁶⁴⁶

Let this "according to its produce" still be legal; and let this statute be confirmed for us.

*Chapter 77*⁶⁴⁷

Concerning the statutes for conflagrations

"If a fire should break out and come upon thorns, and with that also burn the haystack or the sheaves or the field, let him who set the fire be fined."⁶⁴⁸

The holy Law commands this judgment to be passed in accordance with investigation,⁶⁴⁹ as to where indeed the fire broke out, whether

⁶⁴² I.e. ch. 73.

⁶⁴³ B: I 35.

⁶⁴⁴ See ch.44 above, on thefts from churches, where *Canon 67* of Clement [= KH I, p. 93] prescribes a fivefold restitution. But in ch.177 this is fourfold, based on Basil, *Canon 84*.

⁶⁴⁵ B: II 41; cf. K: 119.

⁶⁴⁶ MG returns to Exodus, 22.5.

⁶⁴⁷ B: II 42; cf. K: 120.

⁶⁴⁸ Ex. 22.6.

⁶⁴⁹ This seems to be based on Deut. 19.18 and parallels, where judges investigate – but not in the context of fire. *Hrdeh* [in the title, but *hur* in the text] only occurs in the OT at Ex. 22.6. *Hrdeh* also occurs in ch.178, which is based on canon law.

near or far away, in a forest or field, by whom, whether friend or enemy, by accident or on purpose, a child or old man, and other such matters, because that indicates the fine to be paid. And we should follow these [procedures]. For if it was on purpose the fine will be double. If someone sets a fire near to a threshing-floor or stack, and does not take due precautions and extinguish it, let him be fined the whole amount. But if it comes from a field far away, half of that; and whatever follows from these. Likewise whether the fire is set by animals or by men, whether it is a house or some other building, whether clothing or something similar – with these considerations let them judge this.

Chapter 78⁶⁵⁰

Concerning the statutes for deposits

"If someone gives his fellow some silver or anything else of his valuables on deposit, and they steal it from the man's house, if what was stolen is found, [64] let [the thief] be fined double; but if what was stolen is not found, let the master of the house come before God and swear that he himself did not at all defraud his fellow's deposit. For every instance of damage, of ox or donkey or sheep or clothing, for every loss of which they make him liable, whatever it may be, let the suit of them both come before God; and whichever of them is convicted through God, let him pay a double fine to his fellow."⁶⁵¹

This statute is to be observed unchanged. If the thief is found, let him be fined double. The model of the oath has been shown to us.⁶⁵² If he swears, he is not fined. And whoever is convicted⁶⁵³ is fined double – either because he swore falsely and it was revealed; or because, since he did not swear, he was shown to be lying; but the other party, because as calumniator he was lying.

⁶⁵⁰ B: II 43; cf. K: 121.

⁶⁵¹ Ex. 22.7-9. See also ch.86 where deposits, *awand*, are treated in biblical terms. There are no direct parallels with the treatment of this subject in the Syro-Roman code, §148.

⁶⁵² In MG's Introduction, ch. 8.

⁶⁵³ Convicted: MG uses the verb *ēmbriṇil*, as the biblical text, though its standard meaning is "to be caught, seized."

*Chapter 79*⁶⁵⁴

Concerning the statutes for safe-keeping

"If anyone gives to his fellow a donkey or ox⁶⁵⁵ or sheep, or any other animal for safe-keeping, and it is hurt or dies or is led away captive, and no one is aware [how], let there be an oath on God between the two. If he has not acted at all deceitfully with regard to his fellow's deposit, let its owner accept that, and let him not be fined. But if he has definitely stolen from him, let him pay a fine to its owner. And if it was torn by wild beasts, let him bring him as a witness to the carcass, and he will not be fined."⁶⁵⁶

Very rightly let us keep this statute, because to entrust into safe-keeping is for a fee. Therefore [the Law] bids the exaction of a fine for the object stolen, but not for the deposit.

*Chapter 80*⁶⁵⁷Concerning the statutes for those who borrow⁶⁵⁸

"If anyone borrows something from his fellow, and it is broken, or killed, or taken captive, and its owner is not with it, let him pay a fine; but if its owner is with it, let him not be fined. Now if he borrowed it for a fee, let it be his for its fee."⁶⁵⁹

For the paying of a fine let there be a proper investigation. Let this statute also apply to our people.

*Chapter 81*⁶⁶⁰

Concerning the statutes for those who seduce betrothed virgins

"If anyone seduces a betrothed virgin and sleeps with her, let him purchase her in marriage with the bride-price. But if her father does

⁶⁵⁴ B: II 44; cf. K: 157.

⁶⁵⁵ Ox: *ezn*, used for the male; *arjār*, translated as "ox" in ch. 78 above, refers to any bovine animal.

⁶⁵⁶ Ex. 22.10-13.

⁶⁵⁷ B: II 45; cf. K: 156.

⁶⁵⁸ Borrow: *anawt' arnūl*. The basic meaning of *anawt'* is "pot, vessel," but it is also used for a domestic animal such as a donkey. Hence the *anawt'* can be broken, as a pot, or killed, as an animal. The phrase "to take a vessel" is used in a more general sense as "to borrow."

⁶⁵⁹ Ex. 22.14-15.

⁶⁶⁰ B: I 36; cf. K: 82.

not agree [65] to give her to him in marriage, let him pay a fine of money to her father, as much as may be the bride-price for virgins."⁶⁶¹

One must understand this statute [as meaning] that to seduce and persuade do not have the death penalty, even if she is betrothed, like the one who violates the betrothed.⁶⁶² But it commands to purchase her for the bride-price; for it is not a price paid⁶⁶³ with the agreement and promise of her parents, but it is a willing gift. And if the father does not agree to her being purchased, as is customary for the father of virgins to expect, this is the being fined. According to the canon it bids him marry the one with whom he was pleased.⁶⁶⁴ But if neither the father nor the mother of the girl nor she herself wishes, let him be fined at the price which the parents of virgins are accustomed to receive. But if he is a youth, or his own [parents] do not wish him to marry, let the fine be double. And the fine should be paid to the parents and not the lords, according to the law.

Chapter 82⁶⁶⁵

Concerning the statutes for loans

"If you give money as a loan to your brother who is poorer than you, do not press him or impose interest on him."⁶⁶⁶

The Old Testament and the New agree in these points, to remove usury and interest.⁶⁶⁷ Not that by citing interest here, it permits usury; for by removing the top, with that it also removes the root. Whatever rebuke there is in the New Testament is superfluous, as repetition to those who already know. For if the Law commands not

⁶⁶¹ Ex. 22.16-17; cf. Deut. 22.25-29. Bride-price: *varjank'*; see the references in the Index below. In the *Kanonagirk'* there is no occurrence of the word in non-Armenian canons. MG never says whether it is paid in cash or kind, though it may be set at a given sum. MG does not use the terms found in the Syro-Roman code, *tuayr* or *mahr*; nor does he use *awžit* for "dowry," but *bažin*, lit. "share." Cf. above, p.38, n.404. Betrothed: *xawsec'eal*, lit. "bespoken;" cf. ch.188.

⁶⁶² Cf. ch.28-29, where not death but a fine or castration is stipulated; see also ch.140.

⁶⁶³ Price paid: here *varjelik'*, not *varjank'*, "bride price."

⁶⁶⁴ Clement, Canon 62 [= KHI, p.91].

⁶⁶⁵ B: II 46; cf. K: 158.

⁶⁶⁶ MG jumps to Ex. 22.25; cf. Deut. 23.19.

⁶⁶⁷ Usury, interest: *vašx, tokosik'*. *Vašx* is not used in the Armenian NT. *Tokosik'* is not condemned at Mt. 25.27 [= Lk. 19.23]; but cf. Lev. 25.36-37.

to press, how much more the New! And it was called loan,⁶⁶⁸ so that the principal might be paid back.

Now let it be the law of the code to accept the principal as forgiveness [of the loan],⁶⁶⁹ and let usury be a future recompense.⁶⁷⁰ If it is possible for the borrower, let him give the lender the same principal, the same amount to remain with him. And this should be according to ability, for this is the judgment of God not to accept usury and interest.⁶⁷¹

It should be known that whoever distorts the judgment of God harms his soul, being deprived of the recompense to come.

But if anyone alleges that the [loan] is not to be repaid without usury, let there be a lawsuit. When the principal is paid up, let there be forgiveness [of the interest].

Let it not be allowed to exact usury on children after the death of fathers, but only the principal, because that is not at all in accordance with the law. And that [Mosaic] legislation is at the same time a statute [for us].[66]

Chapter 83⁶⁷²

Concerning the statutes for pledges

If someone receives someone else's house as a pledge,⁶⁷³ or his vineyard or field, or anything else of that kind, and it happens that he stays away, when he receives the principal of the amount without usury, let him return the pledge. If there has been any excess consumed, let him restore that too. And whatever he has spent from it, let it be added to the principal, when because of the incapacity of the owner he has not taken care of his pledge. Let it be treated likewise if it is any animal.

⁶⁶⁸ Loan: *p'ox*, as Mt. 18.27, Lk. 6.34-35.

⁶⁶⁹ Forgiveness: *nerumn*, used often as "concession, lenience;" see p.19, n.211.

⁶⁷⁰ I.e. in heaven! See just below.

⁶⁷¹ For attacks on usury and interest cf. Mandakuni, *Homily* 7, David, Canon 86, and numerous canons – to cite only Armenian ones: Šahapivan 15, 16 [= KH I, p.452-5], Nersēs and Nersāpuh, 3 [= KH I, p.479]. The topic is not discussed in Basil's *Domande*, though no.126 mentions loans. For Greek patristic texts see the references in Lampe, s.v. *tokos* B.

⁶⁷² B: II 47; cf. K: 101-104.

⁶⁷³ Pledge: *graw*, i.e. "security."

If the pledge is some clothing or suchlike and he wears it out, let what is lacking be added to his principal.⁶⁷⁴

If a golden object or suchlike is stolen or lost, if he himself has not defrauded him and he establishes it by an oath, let [the loss] be its owner's. But if he has cheated or lost it, let him pay restitution four-fold. However, if it is in his possession and he lies, let him be fined double.⁶⁷⁵ That which is taken off as plunder will be [loss] for its owner.

As for a tree cut down, or the hedge of a vineyard burned, or damage to a house or to any other pledge, if it is the fault of its owner let [the loss] be its owner's; but if by him with whom it was a pledge, let it be his.

That which is harmed pointlessly and any animal hurt, let it be on his own head; and that which dies of common causes, its owner's [responsibility].

If the Law does not allow a pledge to be kept overnight,⁶⁷⁶ how much more does it bid [us] renounce usury on deposits!

*Chapter 84*⁶⁷⁷

Concerning the statutes for fire-setters

If anyone sets fire to a house on purpose, and the one who set the fire is caught, let them examine, so that if any person dies in the fire he may be punished in the hand; although he is worthy of death according to the Law, perhaps he may come to penance.⁶⁷⁸ And let there also be a fine. If he is able, let the blood [price] be demanded in full; if not, let it be according to his ability. The punishment is not [in lieu] of the fine, neither here nor in other matters; but punishment and not a fine is appropriate for the dissolute. But let them do what is proper according to merit.

But if an animal [is killed in the fire], let him make restitution four-fold. Now if it is a store of hay or of sheaves, or of things of that sort,

⁶⁷⁴ MG is referring to Ex. 22.26a, continuing from the previous chapter. But he does not quote the biblical text directly.

⁶⁷⁵ Cf. chs.73, 78.

⁶⁷⁶ Ex. 22.26b. Cf. ch.125.

⁶⁷⁷ B: II 48; cf. K: 155. For fires cf. ch.77 above.

⁶⁷⁸ For this constant theme in MG see the Introduction.

let the fine be double. Let it be the same for the hedge or suchlike. Likewise for clothing and things similar thereto.

Chapter 85⁶⁷⁹

Concerning the statutes for those who cut down plants

If anyone, moved by satanic anger, cuts down someone's plant and the truth becomes clear, let the statute be that the one who cut down the plant [67] should replace it with one of his own for as many years as the plant remains without fruit, and be fined by the same amount. But if he does not have one of his own, let it be [compensated] at the price. For the Law commands that not even the plants of foreign enemies are to be damaged.⁶⁸⁰ And let this be so as law.

Chapter 86⁶⁸¹

Concerning the statutes for deposits and partnership, plunder and harming anything of one's companion; and for finding something lost

"The Lord spoke with Moses and said: If a person sins and despises the commandments of the Lord, and hates his fellow, whether in a deposit, or partnership,⁶⁸² or in pillage, or does any harm to his companion; and if he has found something lost and disavows it, or swears falsely about something – any of all the things a man might do through his sinning – let it be that when he sins and transgresses he restore the plunder which he seized, and the harm which he inflicted, or the deposit which was entrusted to him, or the lost object which he found. Of all things about which he swore falsely let him be fined the principal, and let him add thereto one fifth, and let him make restitution to him whose it was on the day on which he will be reproved."⁶⁸³

⁶⁷⁹ B: II 49; cf. K: 159.

⁶⁸⁰ Deut. 20.19-20. Cf. ch.2, p.30, concerning destruction of trees in warfare.

⁶⁸¹ B: II 50; cf. K: 160. For deposits, *awand*, see also ch.78.

⁶⁸² Partnership: *zovoŭt'iwn*, as in the Armenian biblical text. It is a standard Armenian rendering for the Greek *koinonia*. But Karst, II, p.280, translates as "Unterschlagung," i.e. "embezzlement," following the text of *B*, which reads *zrkotut'iwn*, "misappropriation, deprivation."

⁶⁸³ Lev. 6.1-5; cf. Num. 5.6-7.

Let this divine utterance of a statute also remain firm for the church, because it is indeed the Lord's. But it showed by the propitiation of a ram⁶⁸⁴ that all the details of the statute and fine must be subject to penance. For the canons and statutes are separated from each other by this: it commands to exercise mercy for those transgressions committed in secret for which there must be a fine; but although the statute imposes a fine, it does not abolish the penance.⁶⁸⁵ However, let this be done by the indulgence⁶⁸⁶ and testing of wise men. For which reason we have left in all the details of the code the penance which is in the canons.

*Chapter 87*⁶⁸⁷

Concerning the statutes for those who consume the offerings and other dues of the church⁶⁸⁸

"A man who unwittingly consumes holy things should add to that the fifth part and give the holy thing to the priest. Let them not sully the holy of holies of Israel which they set aside for the Lord, or bring impiety upon themselves from their transgressions by consuming their own holy of holies. For I am the Lord who makes them holy."⁶⁸⁹

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Let this divine statute remain an immutable token for us in the church.

*Chapter 88*⁶⁹⁰

Concerning the statutes for those who blaspheme the name of God

"The son of an Israelite woman went forth, and he was the son of an Egyptian man among the sons of Israel, and they fought at the camp, he who was from among the Israelites⁶⁹¹ and an Israelite man.

⁶⁸⁴ MG refers to Lev. 6.6-7, continuing the passage just quoted.

⁶⁸⁵ MG frequently stresses the replacement of the Law by the introduction of penance; see the Introduction.

⁶⁸⁶ Indulgence: *nerum*, "forgiveness, concession;" cf. ch.82, n. 669.

⁶⁸⁷ B: I 37; cf. K: 64a.

⁶⁸⁸ Offering: *ptu*, lit. "fruit;" dues: *hask*. For these terms see the Index.

⁶⁸⁹ Lev. 22.14-16.

⁶⁹⁰ B: I 38; cf. K: 63.

⁶⁹¹ Israelites: pl. here, but sing. in the MSS *B* and *E* and in the Armenian OT, i.e. "[son] of the Israelite [woman]."

And the one called [son] of the Israelite woman cursed the name [of God]; and they brought him to Moses. And the name of his mother was Sałamit', daughter of Darbi, from the tribe of Dan. They threw him into prison, to judge him by the Lord's command. And the Lord spoke with Moses and said: Cast the man who cursed out of the camp; and let those who heard place their hands on his head, and let all the people stone him. You will speak with the sons of Israel and say to them: Any man who will curse God will incur sin because he cursed the name of the Lord. Let him die; let the whole people stone him by throwing stones. Whether he is a foreigner or a native, for his naming the name of the Lord let him be killed."⁶⁹² And Moses spoke with the sons of Israel, and they cast the man who had cursed out of the camp, and all the people stoned him with stones. And the sons of Israel did just as the Lord had commanded Moses."⁶⁹³

It is right to change this statute as follows. If anyone, moved by Satan, in their quarelling blasphemes the name of Christ, or the cross, or the church, or a priest, or baptism, if it is one of the foreigners,⁶⁹⁴ as happened there, it is right to kill him, either by stoning or in some other way. But if they are Christians, let the sentence be death,⁶⁹⁵ after investigation of the circumstances.

Chapter 89⁶⁹⁶

Concerning the statutes for those who kill animals

"Who strikes an animal, let him be fined one for one."⁶⁹⁷

Let this divine statute remain also for us by virtue of its clarity. But let a trial be summoned so it may be investigated whether the striking was out of spite, or by accident, and other such matters.

⁶⁹² Lev. 24.10-16. Foreigner: *panduxt*, a foreign settler. Cf. p.24, n.249, where MG uses the abstract noun *pandxtut'iwn* of his travels.

⁶⁹³ Lev. 24.23.

⁶⁹⁴ Foreigners: here *aylazgi*, i.e. Muslims, not the *panduxt* of the biblical text above.

⁶⁹⁵ Sentence of death: *mahu datastan*. MG normally commutes death penalties to allow time for repentance. David, ch.83, indicates that blasphemers should be deprived of communion, not life.

⁶⁹⁶ B: II 51; cf. K: 160.

⁶⁹⁷ MG returns to Lev. 24.18. One for one: *anjn ěnd anjin*, lit. "individual for individual."

*Chapter 90*⁶⁹⁸

Concerning the statutes for those who sell and buy land

"If your brother who is with you becomes poor and sells part of his property, and the kinsman comes who is related to him, let him redeem [69] the sale of his brother. But if someone does not have a relative, and he is able and has sufficient for redeeming his [sale], let the one capable reckon up the years of his sale and repay the man to whom he sold it, and let him return to his property. But if not enough is found in his possession for repaying him, let the sale go to him who acquired it until the year of his release. And on the year of release let him go forth and return to his property."⁶⁹⁹

According to the commands of the Gospel an increase was ordered by the Lord in all things,⁷⁰⁰ and likewise in the details of the code. Because we do not now live under [conditions of] increase or equality, for us it must be subject to redemption. If because of poverty one sells part of one's property, let it be subject to redemption by a relative for up to seven years. In accordance with the Law we have set down seven years;⁷⁰¹ but it is right to increase it as much as possible, because he does not leave [the land] free according to the Law, as would be appropriate to leave free like the Law.⁷⁰² Now if he is not able to redeem it in the seventh year, let the sale be confirmed. But if the sale is for some other reason, let it be confirmed in that same year.

*Chapter 91*⁷⁰³

Concerning the statutes for those who sell and buy a house

"If anyone sells a dwelling house in a walled city, let its redemption be [valid] until the end of a year of days from its sale. Let its redemption be for a full year. But if it is not redeemed before its full year has been completed, let the house which is in a walled city be confirmed as secure

⁶⁹⁸ B: II 52; cf. K: 109.

⁶⁹⁹ Lev. 25.25-28. The "year of release," is rendered "jubilee" in the KJ version.

⁷⁰⁰ Mt. 5.20. MG refers elsewhere to the Christian code superseding that of the Law; see ch.106. Cf. chs. 58 and 110 for the Christian code as the "fulfilment" of the Law.

⁷⁰¹ The passage quoted refers to 7 times 7. For the seventh year with regard to property see Deut. 15.1-11, and cf. Lev. 25.20.

⁷⁰² This passage is unclear; it is also confusing because Deut. 15.12 allows release in the seventh year [for Hebrews], but Lev. 25.20 only in the jubilee [for all inhabitants of the land].

⁷⁰³ B: II 53; cf. K: 106.

to its possessor in his own family, and let it revert⁷⁰⁴ on the [year of] release."⁷⁰⁵

Sales to wealthy persons,⁷⁰⁶ if one sells [property] of some poor people with a deed [of sale], for the sake of mercy are to be returned in accordance with the contract.

"But houses which are in towns that have no surrounding wall, let them be reckoned with plots of land and be continuously subject to redemption, and let them revert in the [year of] release."⁷⁰⁷

Let us accept this statute as follows. Although there is no "year of release" with us, nonetheless let us keep firm the years of redemption, minus the increase. Likewise also the days.

Chapter 92⁷⁰⁸

Concerning the statutes for priests who buy or sell a house or farm

"The houses in the cities of the Levites which are in cities of their possession will be continuously subject to redemption among the Levites. [70] And whoever redeems them from the Levites, the sale of the houses of the cities of their possession will revert in the [year of] release; for the houses of the cities of the Levites are their property in the midst of the sons of Israel. And the farms, set apart for their cities,⁷⁰⁹ are not to be sold, because that is their eternal possession."⁷¹⁰

One must understand this statute as follows. Priests are to be allowed to sell their house of habitation to [other] priests, and they are to be always subject to redemption with an increase, rather than the sales of the laity.⁷¹¹ And farms and other properties, set apart for the churches, are not to be sold, because they are their eternal posses-

⁷⁰⁴ B adds a negative here, but no variant is given for A or G by Torosyan. The text is as Zohrab, but the latter gives a variant reading with a negative.

⁷⁰⁵ Lev. 25.29-30.

⁷⁰⁶ Wealthy persons: *p'art'amk'*, cf. ch. 32, n.498.

⁷⁰⁷ Lev. 25. 31. A city, *k'alak'*, is walled, *parspawor*, as opposed to a town, *awan*, which is indeed the distinction in Armenian; see *EH*, p.512, 535-6.

⁷⁰⁸ B: I 39; cf. K: 65.

⁷⁰⁹ For their cities: *i k'alak's*, either acc. pl., or loc., "in their cities." The parallel phrase in MG's commentary, "for the churches," is clearly acc. and not "in the churches," hence my rendering here.

⁷¹⁰ Lev. 25.32-34.

⁷¹¹ Explicit parallels between Levites and Christian priests are made in ch. 225, much of which is not MG's own work. In ch.105 MG equates priests and judges, but the term "Levitical" occurs only in the OT quotation. ch. 105.

sion. Accordingly, let this be the law, although with us there is no year of release. Likewise for every statute the expenses of the buyer will be taken into account in the redemption.

*Chapter 93*⁷¹²

Concerning the statutes for water-mills

Water-mills that are sold because of poverty are to be subject to redemption for a year by their original owners and relatives. But otherwise, it is to be confirmed in that same year.

*Chapter 94*⁷¹³

Concerning the statutes for the sale of animals

When one sells four-footed beasts, let him confirm in front of three witness these points: it is not stolen, it is not inveterately lame, it does not have a long-standing cough, it is not blind at night, it will not refuse to cross a bridge, it does not kick with its feet. If one finds any of these characteristics in beasts of burden, except for stolen ones it may be returned for up to a year, or a deduction in price may be made according to its value, or it may be confirmed as its owner's. But the stolen one may be returned at any time. If that is revealed, let the first owner take it, and let he who bought it receive the price from the seller. But outside these reasons, let it be on trial for up to seven days, and the deal may be broken off; if he does not return it, let the sale be confirmed. Let the same rule stand for the seller, to sell according to its value. And in other sales the same rule is to be observed: as for the seller, likewise also for the buyer.

*Chapter 95*⁷¹⁴

Concerning the statutes for the sale of oxen

Let those who sell oxen⁷¹⁵ confirm with three witnesses that it is experienced at ploughing, at [pulling] a cart, at the threshing-floor, and it is not inveterately lame, does not have a long-standing cough,

⁷¹² B: II 54; cf. K: 107.

⁷¹³ B: II 55; cf. K: 108.

⁷¹⁴ B: II 56; cf. K: 108.

⁷¹⁵ Oxen: here *ezn*, the male of the species.

[71] is not blind at night, and does not kick, nor is it stolen. For up to one year these may be tested, and it may be returned; but if stolen, at any time. In other respects let it be tested for seven days. Those unbroken in these other respects may be returned, save for [those unbroken] at the yoke, at ploughing, at [pulling] a cart, or at the threshing-floor, whose experience was earlier unclear.

*Chapter 96*⁷¹⁶

Concerning the statutes for the sale of a cow

Likewise regarding the sale of cows, let him confirm these other points with witnesses, that it gives birth each year in accordance with its species. And for these reasons it may be returned in a year, or the price may be established according to its worth, or it may belong to its owner. In other respects let it be tried for seven days.

*Chapter 97*⁷¹⁷

Concerning the statutes for the sale of bees

The sale of bees in the autumn will be confirmed according to the amount of honey that they have.⁷¹⁸

Now as for that by some necessity sold unweighed or weighed with the hive, if it is taken out and found to be underweight, let the measure be made up by the seller. Otherwise, this fraudulent sale will be invalid. But if an excess is found, not too much and not by deceit, let it not be returned because he bought it with trust.

The sale of spring produce and what is put down by bees may be on trial for ten or twenty days. Let the decision be confirmed with witnesses so that their entering and leaving [the hive] may be accurately shown and the sale confirmed. But if there is a suspicion of something amiss on the days of the decision – of the incapacity⁷¹⁹ or death of the queen⁷²⁰ – let it be returned to the seller. After the end of the days of

⁷¹⁶ B: II 57; cf. K: 108

⁷¹⁷ B: II 58; cf. K: 110.

⁷¹⁸ The last word, *serkann*, is meaningless. Smbat's code, K I, p.159, interprets it as quantity, so T'orosyan, n.91, suggests that it may be a corruption of *sahman*.

⁷¹⁹ Incapacity: *godut'iwn*, lit. "leprosy." The NBHL notes several dialectical uses of the adjective *godi* in the sense of "lazy, useless, unable."

⁷²⁰ Queen [bee]: *araj'nord*, lit. "leader," as in the Armenian version of Basil's *Hexaemeron*, VIII, ed. Muradyan, p.261.

trial let such a loss be the buyer's. That which dies from eating it or is unfruitful that year, let that be the buyer's responsibility.

*Chapter 98*⁷²¹

Concerning the statutes for the sale of vessels

If a jar is sold or bought, let it be confirmed when it has been filled and keeps intact for a year the wine poured into it. But if the wine is lost by conjecture of breakage from the firing, let the maker not only take back the jar but also pay a fine of half the loss. But if there is no suspicion of breakage, and the suspicion arose from its being buried, let the seller not be fined. If there is doubt about this, let only the seller of the vessel be fined.

Let it be like this for both small and large ones.[72]

*Chapter 99*⁷²²

Concerning the statutes for the sellers and buyers of the fruit of vines and of other stocks

It happens that many sell and buy the fruits by the year⁷²³ in the hope of profit.

If there is a shortfall, the seller must keep the whole principal, not only because of the hope [of profit], but also because of the labour. If there is a profit which is not gained by fraud, let the seller not regret and return it, because sales give many kinds of profit when successful. But let the days of trial with three witnesses be ten days.⁷²⁴ The completion [of the sale] has been indicated in accordance with the law.

*Chapter 100*⁷²⁵

Concerning the statutes for the leasing of water-mills and of other such things

If anyone leases such things, let him confirm it with witnesses. Let the profit be without scruple to the lender, and let him not pay taxes for the profit.

⁷²¹ B: II 59; cf. K: 110.

⁷²² B: II 60; cf. K: 110.

⁷²³ By the year: *yami*, lit. "in a year." MG refers to "futures."

⁷²⁴ Cf. ch.97.

⁷²⁵ B: II 61; cf. K: 110.

It will be his own responsibility to put the whole apparatus in working order; and his will be the damage which occurs in the normal order of events. But let that [damage] which occurs from negligence be the renter's: to mill-stone, base,⁷²⁶ iron, and everything else, and also what is stolen. But what is burned, if it is the owner's fault, let [the cost] be his. But if it is the borrower's fault, let [the responsibility] be his.

In this fashion too let all other such arrangements be judged, whatever they may be.

*Chapter 101*⁷²⁷

Concerning the statutes for the division of the inheritance of males

"The daughters of Salpaad, son of Op'er, son of Galaad, son of Mak'ir from the band of Manase, son of Joseph, approached. These are their names: Maala, Nua, Eglā, Melk'a, T'ersa. They stood before Moses and before Eliazar the priest, and before the princes, and before all the people at the gate of the Tabernacle and said: Our father died in the desert, and he was not among the people gathered before the Lord among the peoples of Korx, who died because of his sins, and he had no sons. So let not the name of our father be extinguished from his tribe because he had no son. Give us an inheritance among the brothers of our father. And Moses presented their case before the Lord. And the Lord spoke with Moses and said: Rightly spoke the daughters of Salpaad. You will give them a possession of inheritance among the brothers of their father; and you will set [73] the lot of their father around them. You will speak with the sons of Israel and say: If any man dies and he has no son, he will give his inheritance to his daughter. And if he does not have a daughter, you will transfer his inheritance to his brother. If he has no brothers, you will transfer his inheritance to his father's brother. And if his father had no brothers, you will transfer the inheritance to his nearest relative; from his stock let someone inherit his [property]. This will be a legal statute for the sons of Israel, as the Lord ordered Moses."⁷²⁸

Let this decision remain indissoluble among all believers, because it is that of the one who truly knows all laws. For it is appropriate for

⁷²⁶ Base: *naw*, a stone container.

⁷²⁷ B: II 62; cf. K: 101.

⁷²⁸ Num. 27.1-11.

the son to inherit, if there is one; but if there is not, the daughter who is still at home. But as for the one who has gone out and married, let two daughters receive the share of one daughter;⁷²⁹ but they cannot be heirs.⁷³⁰ And this is clear, because they did not permit the daughters of Salpaad to marry into foreign tribes, lest the inheritance go to strangers.

But if there is no daughter, let the brother inherit.

Now if the married daughter wishes to come with her offspring and husband and inherit the patrimony, let it be theirs and not the brother's, even when the brother does not have a son. But if she does not wish to come having received her own share, let the brother inherit.

Now if there is no brother, let the father's brother inherit; but if there is no father's brother, let another close relation from the father's stock inherit. As long as there is a near relation, [the Law] forbids a distant relation [to inherit]. It makes the stock of the father heir, not that of the mother; while down to the daughter alone it established the status of heir.⁷³¹

If it commands the father's brother to be heir, it is clear that if there is a father he inherits, and that mother, and sister, and wife, do not inherit but receive portions, as is demonstrated: to the wife, a *dang*; and to the sister, a *dang* and a half; and to the mother, three *t'asu*.⁷³²

Now we reckon as near relative the one up to the fourth generation to whom the Law commands not to reveal one's nakedness, [that is] to marry.⁷³³ This is to be observed for heirs. But beyond this they are not heirs, but the inheritance is to be the lot of judges, as has been demonstrated in the expositions concerning them.⁷³⁴

Now the brother who is not from the same mother will inherit half a *dang* less than those of the same father and of the same mother. This the patriarch Abraham demonstrated, because he gave all his

⁷²⁹ The married daughter receives half the share of an unmarried daughter because she has already received her other half as dowry; see the next chapter.

⁷³⁰ MG thus distinguishes inheritance of property from the sharing of the deceased's [movable?] possessions.

⁷³¹ I.e., not to the fourth generation on the female side.

⁷³² These measures are proportions, not precise amounts of money. As MG indicates specifically in ch.250, 1 *dahekan* = 6 *dang* = 24 *gari* = 72 *t'asu*. Cf. also ch.63.

⁷³³ Lev. 18.6-18. See also ch. 213 for four generations of forbidden consanguinity.

⁷³⁴ Ch. 1, p. 26: judges receive heirless property as a means of paying their upkeep.

possessions to his son Isaac; and to the sons of his concubines he gave gifts and dismissed them.⁷³⁵ As if one were to say: here, a crown of blessing, and there, K'etura a second wife; but there, gifts, and here let the inheritance be a little less, according to what has been shown. And in the Law to the eldest was given the honour of seniority. According to this pattern let also the father's brothers be treated.

The statutes of the Muslims⁷³⁶ are reprimanded by the code of the divine Law, [74] because they do not make the daughters heirs of their fathers; but they divide them among the families. One must not follow them, but unfailingly [keep] the divine statutes as law.

Chapter 102 ⁷³⁷

Concerning the statutes for the division of the inheritance of those who have sons and daughters

First let us say this: two [married] daughters will receive the share of one son. This is testified by the canons and indicated by the Law according to the following.

"The Lord spoke with Moses and said: Speak with the sons of Israel and say to them: Whoever makes a vow to give the price for himself to the Lord, let the price of a male aged from twenty to sixty be fifty double-drams of silver of the purity of a shekel; and of a female let the price be thirty double-drams. But if aged from five to twenty, let the price of a male be twenty double drams, and of a female ten double-drams."⁷³⁸

Likewise it is seen in the formation [of woman] that the female needs double the days for birth, in accordance with which the rib of [Adam's] side was taken.⁷³⁹ And the name indeed indicates that she was called "wife," because she was named for "half" of the body.⁷⁴⁰ Although in the one commandment it is five times more than the

⁷³⁵ Gen. 25.5-6.

⁷³⁶ *Mahmetakank'*: see p.21 for this term. See the Introduction for MG's references to Islamic law and customs.

⁷³⁷ B: II 63.

⁷³⁸ Lev. 27.1-5.

⁷³⁹ Gen. 2.21-22. The meaning of this sentence is unclear. Birth: *cnund*, here "gestation?"

⁷⁴⁰ Wife [= woman], half: *kin*, *kēs*. According to the *NBHL* this is the first attestation of this etymology [based on v. 5 of the passage in Lev.]. For MG on "etymology" see ch.224.

double price of the female,⁷⁴¹ for the sake of completion of maturity or because of the needs of marriage;⁷⁴² yet in accordance with the formation [of woman] in the other [commandment] that of the male was shown to be double. From this it is established that two daughters are [equivalent to] one son in inheritance. But this also should be known, that two married daughters are equal to one son, but not the one who is at home, because she was allowed to be an heir. From which it is clear that she receives the portion of a son. The others receive half that of the brother on departure.⁷⁴³ Likewise they are found equal to brothers according to the command of the Lord: "If there is no son, let the daughter inherit."⁷⁴⁴

Now this was judged in accordance with the formation [of woman], that one brother is to take the double of a daughter. And it was shown in accordance with the Lord's command that the one who is at home is an heir similar to a son. But let it be desirable to select this according to goodwill, whether he is to receive double of all daughters, or of those departed married. It seems to me as follows: that the one who left the house with a dowry and married, having half [an inheritance], receives a portion equal to the brother's through her own double portion;⁷⁴⁵ but the one at home inherits the father's [property] equally with her brothers. It is established accordingly that sons and daughters have an equal inheritance of the father's [property], in accordance with which God gave an equal inheritance of the kingdom to men and women.⁷⁴⁶ Yet those who preserve the traditions of the church's rituals are men and not women. Likewise, although sisters share in the inheritance with brothers, yet they do not preserve the inheritance when there are brothers. [75]

If there is a father, the wife only shall receive a portion, and not mother or sister; but if there is not, the mother and sister share.

The son of a daughter does not inherit, nor does he receive a portion, save if while he is still alive he makes him heir in writing;⁷⁴⁷ for

⁷⁴¹ But Lev. has 50:30, not 50:20.

⁷⁴² Marriage: *karg*; cf. *kargeal*, line 24 below, for "married."

⁷⁴³ Departure from the home = marriage.

⁷⁴⁴ Num. 27.8, as in ch. 101.

⁷⁴⁵ MG makes explicit his ruling of the previous chapter.

⁷⁴⁶ An equal share in the kingdom of heaven: e.g. Gal. 3.28.

⁷⁴⁷ MG is primarily concerned with inheritance when there is no will – presumably the usual situation in 12th century Armenia.

the daughter is his own seed, but not the daughter's son. Let it be the same for the step[-son].⁷⁴⁸ But he is authorised during his life to make him a heir, if he wishes, like outsiders. And if he works in the house of the step-father, let him receive a hired man's pay and not a portion [of the inheritance]. Likewise too the grandson. For the Apostle does not count these among the sons, saying: "You are bastards and not sons."⁷⁴⁹ But if anyone puts the view of the canons⁷⁵⁰ in opposition to that, on the grounds that like that of sons it cuts off their offspring in relationships, let him know that the family relationship with the mother occurred through her marriage, and that that marriage is ended. But because the seed is not the father's he does not inherit. For if Abraham did not make even his own offspring worthy to be heirs,⁷⁵¹ how much more foreign offspring.

Likewise neither does the mother's brother inherit or share, nor do his son or the sister's son inherit or share, or the maternal aunt and her son, or the paternal aunt, save if he earlier so appoints.⁷⁵²

One is allowed to appoint servants as heirs, if one wishes. As it showed in the canons of bishops that perhaps he may have acquired servants, it is clear that [it meant] as heirs, since it mentioned leaving property [to them].⁷⁵³

But when the daughter who is at home inherits, the father's brother and his sons cannot inherit or share. But if she is married and comes as an heir,⁷⁵⁴ the paternal uncle receives as portion a *dang*,⁷⁵⁵ but not his son, save if it happen that there is a judgment⁷⁵⁶ involving the inheritance of the fathers.

⁷⁴⁸ Step[-son]: *xort'n* is ambiguous in Armenian, meaning both "bastard," in the full sense, and "step-." Cf. ch.15 for "bastard," ch.212 for "step-."

⁷⁴⁹ Heb. 12.8: *xort'* renders *nothos*, but for its ambiguity see the previous note.

⁷⁵⁰ Canons: T'orosyan here refers to Basil, no. 214. But the canon of that number in the *Kanonagirk'* has no relevance to this situation.

⁷⁵¹ Gen. 25.5-6, as ch. 101.

⁷⁵² Appoints: the sense of the verb *stanam* is not clear here; it means "to possess," or "to be a patron," i.e. pay for a book, the building of a church, etc.

⁷⁵³ Clement, *Canon* 76 [=KH I, p. 95-6], also quoted in ch.49, which deals with appointing servants to the clergy.

⁷⁵⁴ I.e. returns to her family; see ch.101, p.73, line 17.

⁷⁵⁵ I.e. one sixth; see p.73, n.732.

⁷⁵⁶ *Datastan* is ambiguous. It is unclear whether this means the inheritance is under litigation, or whether an earlier judgment on the matter was made.

But if there are no sons or daughters, let those from the father's [stock] down to the fourth degree inherit, and the rest not at all; nor from the family of the mothers.

*Chapter 103*⁷⁵⁷

Concerning the statutes for the division of the inheritance of women

Let the same statute apply for women who have died as for men after death. If there are no sons or daughters – if she may have begotten sons and daughters but they died; whether she is naturally without heirs, or soon after marriage died in virginity⁷⁵⁸ – in these cases the statute is different.

So, similarly to men, if there is a son he should inherit the mother's [property]; but if there is not, then the daughter; and if there is no daughter, then the brother; and if there is no brother then the paternal uncle; and if there is no uncle, then [someone] from the father's stock inherits as far as the fourth degree. But if there is a father, the father inherits; and in the other respects [the rules] are equal to each other. If there are offspring of the mother, everything is theirs, [76] just as the inheritance of the father. But if the child dies, the inheritance is the father's; it does not revert to the mother as inheritance.

Now if the mother should die, and there is a father of the mother, let the inheritance belong to the two: the father of the child and the father of the child's mother. First giving what is appropriate for her soul,⁷⁵⁹ let it be divided between the two.

But if she is naturally heirless, let the inheritance belong to the father; and if there is no father, let it go to the other inheritors, as has been indicated.⁷⁶⁰ But let the husband have a *dang* because of their living together. But if they have not been joined together and the wife dies, let the husband not have anything from the wife; because just as he was not lord of her body, so he does not control her possessions. Let it be the same for the wife. But if she has been married, even for a short time, let the husband have a *dang* in the same way. For just as when the son inherits the father's [property], the

⁷⁵⁷ B: II 64; cf. K: 95.

⁷⁵⁸ On p.108 MG explains that a short time might pass between the marriage ceremony, *psak*, and the commencement of sexual relations, *amusnut'iwn*.

⁷⁵⁹ I.e. funeral expenses, for which see ch.184.

⁷⁶⁰ I.e. in the previous chapter.

mother receives a *dang*; likewise when the son inherits the mother's, the father should receive a *dang*.

Chapter 104⁷⁶¹

Concerning the statutes for the manner of division of the property among inheritances

In accordance with the rules of division⁷⁶² you will divide the inheritance as follows. You will reckon all the property as one *dahekan*, and the *dahekan* as six *dang*.⁷⁶³

If there is one son and one daughter who is at home, you will divide it into two: two and one half *dang* for the brother, and the same amount for the sister, and the [one remaining] *dang* for the mother.

But if the sisters are married, you will reckon the two as one brother; and you will give two and a half *dang* to the brother, and two and a half *dang* to the two sisters, and a *dang* to the mother.

If there is one brother and one married sister, half a *dahekan* and four *gari* will be for the brother, and one and a half *dang* and two *gari* for the sister, and a *dang* for the mother.⁷⁶⁴

If there are two brothers and one sister who is at home, one brother should have one and a half *dang* and two *gari*, and the other brother the same amount, and equally the sister; and the mother a *dang*. But if the sister is married, one brother should have two *dang*, and the other two *dang*, and the sister a *dang*, and the mother a *dang*.

But if there is no mother, let it be shared among themselves only: two *dang* and a *t'asu* and a *gari*, and four *dang* of a *gari* and three *t'asu* of a *gari* to the one brother, and likewise to the other brother; and a *dang* and two *gari* and two and a half *dang* of a *gari* to the sister. Half a *t'asu* of a *gari* more is the sister's. We have indicated this

⁷⁶¹ B: II 65; cf. K: 95a.

⁷⁶² Rules of division: *bažanoŭakan aruest*, a technical expression; see David, *Divisions*, p. 24. In his discussion of the division of inheritance MG makes no reference to witnesses or wills, as in the Syro-Roman code, esp. §112.

⁷⁶³ For these units of division see p.73, n.732: 6 *dang* to one *dahekan*; 12 *gari* to one *dang*; 4 *t'asu* to one *gari*.

⁷⁶⁴ I.e. if expressed as fractions of one *dahekan*, in terms of 72 *gari*: 36+4 is double 18+2, and the total is 60, which equals five *dang*. Add the mother's *dang* for one *dahekan*.

for the sake of making it clear that the statute requires what is just and righteous. [77]

Now if there are three brothers and one sister, one and a half *dang* and two and a half *gari* to each brother; and three *t'asu* and one and a half *gari* to the sister. The sister has one and a half *dang* of a *gari* more. And if it is desired, you will thus allow the weak portion a little more; but if not, that too you will make equal.

But if there are four brothers and a sister, a *dang* and a *t'asu* and a *gari* to each brother, and half a *dang* and half a *t'asu* and half a *gari* to the sister.

Now if there are five brothers and one sister, let each brother have a *dang* and a *gari*, and the sister half a *dang* and a *gari*. Here too the sister has half a *gari* more.

But if there are six brothers and one sister, let each brother have three *t'asu* and two *gari*, and the sister half a *dang*. Here also the sister has half a *gari* more.

According to this pattern you will divide among the others, as many as may be. Likewise you will divide the inheritance of the mother.

Now if there are six sisters and one brother, let the inheritance be divided into four. Three brothers will be equal to six sisters. According to this pattern let the other cases be done. If there is a mother, this was shown [above]; if not, then that. If the sister is at home or if she is married, let the rule be confirmed according to their difference, because this was given as a small indication. From it one may find what is appropriate, and complete what is lacking.⁷⁶⁵ And let no one impute any blame [to us], because this much was made known according to our ability.

Chapter 105⁷⁶⁶

Concerning the statutes for those who despise priests and judges

"If you fail to resolve a lawsuit⁷⁶⁷ between blood and blood, between plea and plea, between quarrel and quarrel, between dispute and dispute, a lawsuit in your city, you will arise and go up to the

⁷⁶⁵ See p.25 for MG's code as a preliminary document which could be completed later.

⁷⁶⁶ B: I 40.

⁷⁶⁷ Lit: "If a lawsuit eludes you."

place which the Lord your God will select to call upon his name there. And you will go to the Levitical priests and to the judges who will be in those days, and they will examine and tell you the statute. You will act according to the command which they will tell you, those who are from that place which the Lord God will choose. Take care to carry out vigorously everything as it will be legislated for you. You will act according to the Law and according to the statute which they shall tell you; and do not swerve from what they shall tell you, neither to the right nor to the left. Any man who will act haughtily in not obeying the priest who will stand to minister to the name of the Lord your God, or the judge who will be in those days, that man shall die."⁷⁶⁸

See that it showed those who despise priests⁷⁶⁹ and judges to be equal, for the power of the Law and of judgment is one, and their penalty is death. [78] For not to obey them is nothing other than disobedience to God. And the statute is clearly of blood.

*Chapter 106*⁷⁷⁰

Concerning the statutes for dues from the people to the priests

"These are the rights of the priests from the people. Those who make sacrifices, whether it be ox or sheep, will give to the priest the chine and the cheeks and the stomach. And the fruits of your grain and of your wine and of your oil, and the fruits of the fleeces of your sheep you will give to him. For the Lord chose them from all the tribes to stand before the Lord your God, to serve and bless his name; and likewise their sons for all their days."⁷⁷¹

These rights the faithful do not keep now, which it should be necessary to increase beyond those of the Law;⁷⁷² because it legislates for the sacrifice of general things like the other fruits, since this passage does not concern the gift-offerings.

We set this down, that according to legal statute it is for Christians also in these ways to honour priests.

⁷⁶⁸ Deut. 17.8-12. MG returns to biblical texts.

⁷⁶⁹ Cf. ch. 92 for the connection between OT Levites and Christian priests. There are numerous canons concerning those who despise priests, e.g. Apostolic Canons, 25.

⁷⁷⁰ B: I 41; cf. K: 66.

⁷⁷¹ Deut. 18.3-5. Cf. *Canons of Sahak* 32 [= KH I, p. 384-5], which deals with the people's offerings to the church. See also the Index, s.v. Dues.

⁷⁷² Cf. ch.90. n.700, for the "increase" beyond the OT Law incumbent on Christians.

*Chapter 107*⁷⁷³

Concerning the statutes for everyone's boundaries

"You will not change the boundaries of your fellow which your fathers established in your inheritance, which you will inherit in the land that the Lord God will give you for inheritance."⁷⁷⁴

This remark deals with fields and other [such things]. It commands to deal lawfully with brothers and relatives and with strangers.

The boundary of inheritance which one has from one's father one must not change by seizing that of one's fellow. If one was earlier deprived of it, a lawsuit is to be made. But the inheritance received rightfully from one's father it is not legal to change with the other co-heirs after the death of the father, [even] with penitence.

*Chapter 108*⁷⁷⁵

Concerning the statutes for witnesses and false witnesses

"A single witness will not be approved to testify against a man for all the wickedness, all the transgressions, all the sins which he may commit. From the mouth of two or three witnesses must be confirmed every accusation. If a false witness comes forward concerning a man and slanders him [79] with some impiety, let both men who are in dispute stand before the Lord and before the priests and before the judges who may be in those days, and let the judges investigate truthfully. And behold [if] a witness unjustly testified to injustice and stood up in opposition to his brother, you will do to him as he planned to mistreat his brother, and you will remove the wicked one from your midst."⁷⁷⁶

This statute of the Law confirms the statement of two or three witnesses,⁷⁷⁷ and orders the false witness to be punished⁷⁷⁸ in accordance with his wicked intention. If he wished to bear witness to blood [crimes] or others, in the same way judgment is to be made.

⁷⁷³ B: II 66; cf. K: 144.

⁷⁷⁴ Deut. 19.14.

⁷⁷⁵ B: II 67; cf. K: 160 [?].

⁷⁷⁶ Deut. 19.15-19.

⁷⁷⁷ Cf. ch.7 of MG's Introduction to the Code and the many references to "two or three" witnesses.

⁷⁷⁸ Punished: *tanjel*, lit. "to be tortured."

*Chapter 109*⁷⁷⁹

Concerning the statutes if someone is found killed in the confines of territories

"If someone is found wounded in your land which the Lord your God will give you to inherit, fallen in the field, and they do not find the man who wounded him, your assembly of elders and your judges shall go out and shall measure around the wounded one the distances of the cities. And it shall be that the city which is closest to the wounded one, the assembly of elders of that city shall take a young ox..." with the rest.⁷⁸⁰

From this it is clear that there is to be no fine for such a murder nor blood suit, but propitiation; then, through a sacrifice, but now, through penance.⁷⁸¹ The judges must follow these procedures as long as it is unclear. But when it becomes clear, there will be fines for the participants and blood judgment for the murderers.⁷⁸²

*Chapter 110*⁷⁸³

Concerning the statutes for foreign⁷⁸⁴ women taken captive

"If you shall go out to war against your enemies, and the Lord your God will deliver them into your hand, and you plunder them; and you see in the booty a woman beautiful in appearance, and you desire her; and you take her to wife and bring her to your house; you will shave her head, and clean her nails, and remove the garment of her captivity. She will sit in your house and weep for her father and mother for the days of one month. Then you will enter to her and dwell with her, and she will be your wife. And it will be that if you are not pleased with her, you will release her free. You will not sell

⁷⁷⁹ B: II 68; cf. K: 126.

⁷⁸⁰ I.e. Deut. 21.1-9; MG quotes vv.1-3.

⁷⁸¹ See the Introduction for MG's emphasis on penance as commutation of OT prescriptions.

⁷⁸² Murderers: but the text of the OT quoted refers to one "wounded."

⁷⁸³ B: I 42; cf. K: 92.

⁷⁸⁴ Foreign: *aylazgi*, not in the biblical text quoted; presumably Muslim women are intended.

her for silver, nor will you dishonour her, because you violated her."⁷⁸⁵ [80]

Let them accept this according to the Law with a revision.⁷⁸⁶ If this happens to a Christian, first [he is] to baptise her and remove the model of her old way of life, and then take her to wife in marriage. Nor, if she does not please, is he allowed to release her free; he cannot dismiss her at all without a charge of fornication.

*Chapter 111*⁷⁸⁷

Concerning the statutes for fathers giving their sons seniority

"If a man shall have two wives, one of them beloved and the other hated, and both the beloved one and the hated one bear him sons, and the eldest son will be that of the hated one; it shall happen on the day on which he will cause his sons to inherit his possessions, that he will not be permitted to make the son of the beloved one the senior, disregarding the first-born son of the hated one. But he shall recognise the first-born of the hated one, to give him double of everything he may possess. For he was the first of his sons, and to him belongs the right of seniority."⁷⁸⁸

Now let us receive this statute among us in the following manner. Although Christians cannot have two wives at once,⁷⁸⁹ yet from one wife there may be sons; and if he takes a second wife and has a son from her, not for love of the younger may he make him the first-born, or favour the son of the last wife. But he should honour the first of his sons, according to the Lord's command to offer the first-born⁷⁹⁰ [and] to give him more of the inheritance. Save that it may happen to be right not to act thus in the case of [the son's] uselessness.⁷⁹¹

⁷⁸⁵ MG continues from Deut. 21.10-14.

⁷⁸⁶ With a revision: *lrmamb. Lrumn* is used in ch. 58, to mean the fulfilment and adaptation of the OT Law, and MG there also transfers the precept from "children of Israel" to Christians and Muslims.

⁷⁸⁷ B: II 69; cf. K: 96.

⁷⁸⁸ MG continues from Deut. 21.15-17.

⁷⁸⁹ Cf. p.40, regarding infertility. MG has no parallel with the rules in the Syro-Roman code regarding the children of a man's two wives. For second marriages see the Index, s.v. Marriage.

⁷⁹⁰ Ex. 13.2, which has several OT parallels.

⁷⁹¹ Uselessness: *anpitanut'iwn*, of evil moral character. Eznik, §235, uses it of Esau.

*Chapter 112*⁷⁹²

Concerning the statutes for perverse sons

"If anyone's son is stubborn and perverse and does not heed the voice of his father and mother, and they chastise him but he does not obey, let his father and mother seize him and take him to the assembly of elders of their city and to the gate of their place, and let them say to the men of their city: This son of ours is stubborn and perverse, and he does not heed our voice. He is a reveller and a drunkard. Let the men of his city stone him with stones, and let him die; and do you remove the evil one from among you. When the others hear, they will be struck with fear."⁷⁹³

This statute is equal to the one for him who strikes his parents.⁷⁹⁴ For in that case he will surely die because he dishonours his own parent and thereby the God of all; while here, without intermediary, only God by disregarding the commandment. Therefore there he will surely die, which is two deaths;⁷⁹⁵ and here he will simply die, [81] which is the transgression only against God. But just as there it was laid down by the laws that he should forfeit his inheritance⁷⁹⁶ instead of death, let the same happen also here.

*Chapter 113*⁷⁹⁷

Concerning the statutes for those who have died after being condemned to death

"If sin worthy of death shall affect anyone and he dies, you will hang him on a gallows. And his body will not remain on the gibbet all night, but you will bury him on the same day; because everyone who will hang on a gallows is cursed by God."⁷⁹⁸ Although all this precept has much justification, not only with regard to the letter but also in its intention, yet we must accept it [only] as far as is necessary for the laws of

⁷⁹² B: II 70.

⁷⁹³ MG continues Deut. 21.18-21.

⁷⁹⁴ See ch. 57 above, and 59, on those who slander parents. .

⁷⁹⁵ MG refers to the repetition in the Armenian expression *mahu merc'i*, "he will surely die," based on the Hebrew idiom.

⁷⁹⁶ Forfeit his inheritance: *elanel i žarangut'enē*; ch.57: *taragrel i žarangut'enē*.

⁷⁹⁷ B: II 71; K: 139.

⁷⁹⁸ MG continues Deut. 21.22-23. Gallows: *p'ayt*, lit. "wood." The word is used for the wooden instrument used in both hanging and crucifixion, hence in other contexts may mean "cross."

the code. For there Israel was bidden to bury the bodies of their own people; whereas our kings were ordered not to kill believers,⁷⁹⁹ but merely to punish them. Now if a foreigner⁸⁰⁰ happens to be condemned to death, it is not outside the law, for the sake of honouring our nature, to command him to be buried on whatever day it might be.

Chapter 114⁸⁰¹

Concerning the statutes for lost [animals]

"If you should see the ox or the sheep of your brother gone astray on the road, you shall not⁸⁰² neglect them but return them and lead them to your brother. But if your brother will not be near to you, or you are not familiar with him, you will gather them to your house, and they will remain with you until your brother seeks them; [then] you will give them to him. You will act likewise to his donkey, and act likewise with his garment; and you will do likewise for every loss of your brother. Whatever is lost by him and you find, you are not allowed to disregard."⁸⁰³

This divine law teaches to have mercy and compassion, not only for our relatives but also for distant persons; to be trustworthy in all cases of loss, and unrecompensed,⁸⁰⁴ because it is contrary to the lawcode to restore what is lost for a fee.

Chapter 115⁸⁰⁵

Concerning the statutes for those who set upright four-footed [animals] which have fallen

"If perchance you see your brother's donkey or his ox fallen on the road, you will not pass by them, but you will raise them up with him."⁸⁰⁶ [82]

⁷⁹⁹ But ch.20 indicates that they clearly can.

⁸⁰⁰ Foreigner: *aylazgi*.

⁸⁰¹ B: II 72; cf. K: 161.

⁸⁰² Neither the text of MG nor the Armenian biblical text has a negative here [though *mi* is added in G], because the initial *guc'ē* [here "if"] renders the Greek *mēpote mē*.

⁸⁰³ MG continues from Deut. 22.1-3; cf. Ex. 23.4, dealing an *enemy's* ox or ass.

⁸⁰⁴ Unrecompensed: *anvarj*, which renders *amisthi* at Job 24.6, the only use of this word in the Armenian bible. Fee: *varj*.

⁸⁰⁵ B: II 73; cf. K: 161

⁸⁰⁶ MG continues Deut. 22.4.

It commands this also to be unrecompensed. Despite this legislation, it is for judges to examine and to punish those who go to court concerning this matter.

*Chapter 116*⁸⁰⁷

Concerning the statutes for women's clothing

"A man's clothing shall not be worn by women, nor shall a man put on women's clothing; for everyone who does that is abominable to the Lord your God."⁸⁰⁸

Because many evils occur thereby and it is indeed indecorous, therefore [the Law] prohibited it. Accordingly judges and preachers⁸⁰⁹ are to punish [offenders].

*Chapter 117*⁸¹⁰

Concerning the statutes for birds' nests

"If you come across the nests of birds in front of you on the road, whether in a tree or on the ground, of young or of eggs, and the mother is sitting warming the young or the eggs, you will not take the mother with her offspring. You will release the mother and take the young for yourself, so that it may be well for you and you may live many days upon the earth."⁸¹¹

So let no one criticize us in these matters on the grounds that because it is a precept⁸¹² how would it be included in the details of the code, and likewise similar things to these. It should be known that every precept involving absolution and repentance does not need [to be included in] a code;⁸¹³ but there is need of a code for the disobedient. This the Lord

⁸⁰⁷ B: II 74; cf. K: 91.

⁸⁰⁸ MG continues Deut. 22.5. Cf. Gangra, *Canon* 13 [= KH I, p. 195]; but that only refers to women putting on men's clothing.

⁸⁰⁹ Preachers: *k'arozic'k'*. MG probably means *vardapets*; for their duties see the Introduction. Punish: *xratel* means both "to punish" and "to admonish."

⁸¹⁰ B: II 75; cf. K: 162.

⁸¹¹ MG continues Deut. 22.6-7.

⁸¹² Precept: *awrindrut'iwn*, lit. "legislation." Karst renders as "custom," II, p. 281: "sit-tenregel." But MG has in mind specific OT regulations which a potential critic might think unnecessary to be included in a Christian code, not matters of customary usage.

⁸¹³ Involving absolution: *luceal*, which could also mean "deposition, excommunication."

made clear by saying: "Repenting on the way give reckoning to [your] adversary, lest you fall into judgment."⁸¹⁴ And because this is a precept it is also the perfection of righteousness. Now through the *vardapets* there is restitution to the right path for the one absolved and penitent. But for the unrepentant the laws of the code apply.

Through this very small precept you will see now even the greatest things measured thereby. For it will make clear that birds were created for our sake, in that it commands to leave the mother for reason of increasing [the progeny], yet bids us take for our needs both the young and the eggs. Through this it promises rewards, showing how much are crowned those who carry out the greatest commandments; but the repentant are corrected, and those unrepentant in this are condemned. Rightly I think fines are imposed by judges equal to the years of the life of the birds, taking into account the prevention of [propagation of] the young. [83]

*Chapter 118*⁸¹⁵

Concerning the statutes for newly-built houses

"If you build a new house, you will make a crown around the roof and not cause a death in your house, lest anyone who trips may fall from it."⁸¹⁶

It is to be supposed that this commandment is similar to the one which commanded to propitiate by sacrifices the one found wounded, and not to demand blood at judgment;⁸¹⁷ so it does not hand over to judges the one involved. And it teaches to take care so that they do not need [to do] this. But for us let there be penance.

*Chapter 119*⁸¹⁸

Concerning the statutes for servants who flee

"You shall not hand over to his lord the servant who joined you from his lord. Let him dwell with you, and let him stay with you in any place which it may please him. And do not oppress him."⁸¹⁹

⁸¹⁴ Mt. 5.25, Lk. 12.58, rendered unusually freely.

⁸¹⁵ B: II 76; cf. K: 154.

⁸¹⁶ MG continues Deut. 22.8.

⁸¹⁷ See ch. 109.

⁸¹⁸ B: II 77; cf. K: 117, and II, p. 247.

⁸¹⁹ MG jumps to Deut. 23.15-16.

This refers not only to foreigners, but also to Hebrews.⁸²⁰ If one arrogantly does not wish to release him in the seventh year,⁸²¹ and therefore he flees, as it says, let him dwell with you, and if it pleases him elsewhere, then there; and if anything else, to satisfy him, and not needlessly to give him up. It is also a legal statute for us to observe this.

*Chapter 120*⁸²²

Concerning the statutes for those who enter harvests

"If you enter the harvest of your fellow, you may pluck with your hands the ear; but you may not put a sickle to the stalk of your fellow."⁸²³

The Law expects charity [towards the owner] from the goodwill of the one who takes, but not from those who carry off.⁸²⁴ If he is arrogant the sentence is to levy a fine as from a pillager.⁸²⁵

*Chapter 121*⁸²⁶

Concerning the statutes for those who enter their neighbours' vineyard

"If you enter the vineyard of your fellow, you may eat grapes until you are sated, but you may not fill baskets."⁸²⁷ [84]

This true precept imposes limits and laws on the unwilling charity of vine-dressers, lest they be importuned. So with their agreement it will be allowed to take [grapes] and eat them, but for the one who bears away⁸²⁸ there will be a fine.

⁸²⁰ I.e., the OT law refers to Jews and non-Jews. This does not mean that MG has Muslims in mind here. MG's comments have no relationship with the regulations in the Syro-Roman code on slaves who flee from their lords.

⁸²¹ The passage quoted does not refer to an infringement of the seven year rule set out in Deut. 15.1 and parallels.

⁸²² B: II 78; cf. K: 163.

⁸²³ MG jumps to Deut. 23.25.

⁸²⁴ MG draws a contrast between the one who picks and eats while passing through a field [or vine, as in the next chapter], *arnoŭ*, and the one who carries a quantity away, *kroŭ*, for sale or later consumption.

⁸²⁵ Pillager: *yap'staŭoŭ*, i.e. fourfold, as in ch.179 where the reference is to artisans who *yap'staken*, which there means "embezzle."

⁸²⁶ B: II 79; cf. K: 164.

⁸²⁷ MG returns to Deut. 23.24.

⁸²⁸ One who bears away: The text [no variants] has *kerōŭ*, lit. "eating." Karst, II, p.282, assumes that it is an error for *kroŭ*, "carrying off," as in the previous chapter; but T'orosyan interprets as "consuming to excess."

*Chapter 122*⁸²⁹

Concerning the statutes for divorcing wives

"If anyone takes a wife and enters to her, and it happens that she will not find favour before him because he found in her unworthiness, he may write a bill of repudiation⁸³⁰ and give it into her hands and dismiss her from his house. She may go and marry another man. And if the last husband hates her, he may write her a bill of separation and give it into her hands and dismiss her from his house. But if her last husband who married her dies, the first husband who divorced her will not be able to take her back in marriage after her defilement, because she is abominable before the Lord your God. You are not to defile the land which the Lord God will give you for inheritance."⁸³¹

The Jews once gave this response to the Lord, saying: "Moses commanded to write a bill of separation for wives." And the Lord showed the reason: "It was allowed because of your hard-heartedness."⁸³² Lest they continuously dismiss [wives] for frivolous reasons, it said in the Law not to take the one dishonoured. For it was freely allowed to take another, and to have two at once in the house, and that without accusation of fornication.⁸³³ But because this is not the case with us, if it happens after the dismissal and the death [of the second husband] that they who separated in hatred repent, with penance let them be reunited – unless there happen to be such [circumstances] that it is not right for them to reunite.

*Chapter 123*⁸³⁴

Concerning the statutes for those who take new wives not going to war

"If anyone should take a new wife, let him not go to war, and let no affairs fall upon him, but he shall be unobligated. Let him make his wife whom he married cheerful at home."⁸³⁵

⁸²⁹ B: I 43; cf. K: 75.

⁸³⁰ Bill of repudiation: *gir apaharzani*, only here in MG, but common in the OT. Bill of separation: *gir mekneloy*.

⁸³¹ MG continues Deut. 24.1-4.

⁸³² Mt. 19.7-8, Mk. 10.4-5.

⁸³³ Cf. ch.111 above. There, and in ch.11, MG draws the distinction between OT and Christian practice.

⁸³⁴ B: II 80; cf. K: 85.

⁸³⁵ MG continues Deut. 24.5.

God is kind⁸³⁶ and wishes that there be no untimely mourning should he fall in battle. For which reason they are doubly excused: from making battle boldly if they are proud; or from hesitating, if they are frightened. This rule must be observed by commanders with regard to their troops.⁸³⁷ [85]

*Chapter 124*⁸³⁸

Concerning the statutes for those who pledge millstones

"You will not pledge the upper or lower millstones, because such a thing pledges lives."⁸³⁹

It does not command not to make a pledge at all, but shows them the rule, so that with the one perhaps he may repent to return the other; hence it made more serious the principle of scruple. "Such a thing pledges lives," it said, because by their use a soul remains [attached] to the body.⁸⁴⁰ All of us must observe this: not to pledge the most necessary things. And if one is presumptuous, vengeance may be taken by the judges.

*Chapter 125*⁸⁴¹

Concerning the statutes for debts and their pledges

"If your fellow owes whatever it may be as a debt, you shall not enter into his house to take something as a pledge, but you will stay outside. And the man with whom your debt is lodged will bring the pledge out. If the man should be poor, let not the night pass with his pledge. You will return his pledge at the setting of the sun, and he will sleep with his own garment; and he will bless you, and you will have mercy before the Lord your God."⁸⁴²

It does not permit you to enter and take a pledge lest there occur some force, but [it should be done] willingly. The thing taken, furthermore, shall not be from his necessary belongings. But if because

⁸³⁶ Kind: *mardasēr*, the Greek *philanthrōpos*.

⁸³⁷ I have not seen any Armenian evidence that this rule was ever observed.

⁸³⁸ B: II 81; cf. K: 99.

⁸³⁹ MG continues Deut. 24.6.

⁸⁴⁰ A soul remains to the body, *ogi mnay i marmin*, the meaning of which is not clear.

⁸⁴¹ B: II 82; cf. K: 100.

⁸⁴² MG jumps to Deut. 24.10-13.

of poverty they are necessary things, it commands it not to be kept overnight; thereby it wishes them to be merciful in accordance with the law. This same [course] we too must choose according to the code.

*Chapter 126*⁸⁴³

Concerning the statutes for hired servants in general

"You shall not hold back the wages of the poor or needy among your brethren or among the strangers of your cities. On the same day you shall pay his wages, and let the sun not go down upon that; because he is poor and that is his hope, and lest he complain about you to the Lord, and that turn into sin for you."⁸⁴⁴

It is clear that he became a hired servant because of poverty and his day of need. Now if one will not pay [wages] on the day of the work, it is required by statute to pay compensation at more than the wage may be. [86]

*Chapter 127*⁸⁴⁵

Concerning the statutes that fathers and sons are not to die for each other

"Let fathers not die for sons, nor sons die for their fathers. Let each one die in his own sin."⁸⁴⁶

It says this about the person who may happen to be guilty of death according to the Law, that should fathers wish to save their sons from being put to death, they are not to die but the guilty son shall die, lest the judgment be distorted. Likewise let the sons not die for their fathers. Also judges, if they cannot arrest the guilty son, must not condemn the father to death. Let this be confirmed also for us.

*Chapter 128*⁸⁴⁷

Concerning the statutes for those who pervert the laws

"You will not pervert the laws of the stranger or of the orphan or of the widow."⁸⁴⁸

⁸⁴³ B: II 83; cf. K: 153.

⁸⁴⁴ MG continues Deut. 24.14-15; cf. Lev. 19.13, Tobit 4.15.

⁸⁴⁵ B: II 84; cf. K: 98b.

⁸⁴⁶ MG continues Deut. 24.16; cf. IV K. 14.6, Ez. 18.20. Cf. ch.20: sons are not responsible for the sins of their fathers.

⁸⁴⁷ B: II 85.

⁸⁴⁸ MG continues Deut. 24.17a.

It imposes a law on judges not to employ bribes or other deceits, as it demonstrated elsewhere.⁸⁴⁹ And if someone does this deed, he is to be deprived of his rank.

*Chapter 129*⁸⁵⁰

Concerning the statutes for the pledge of a widow

"You shall not take as pledge the clothes of a widow."⁸⁵¹

Although in other matters [Moses] allowed the pledge with restrictions,⁸⁵² yet here he showed it necessary not to take as pledge a widow's [possessions], teaching them solicitude from himself, like the many various [examples] in Egypt.⁸⁵³ For it is contrary to the code to abuse them.

*Chapter 130*⁸⁵⁴

Concerning the statutes for those worthy of a beating

In a court of law, for whatever reason, when someone is worthy of a beating, even if it is not the forty [stripes] according to the Law,⁸⁵⁵ yet [the condemned] is not to be harmed. Judges should use this for the punishment of the recalcitrant. [87]

Chapter 131

Concerning the statutes for those who fight and the wife who rescues [her husband]

If men fight with each other, and for the sake of rescuing [her husband] the wife of one seizes the testicles of the victorious man, according to the Law her hand is to be cut off.⁸⁵⁶ But for us the price for the hand [is a fine], as was shown for each of the faculties.⁸⁵⁷

⁸⁴⁹ Cf. Ex. 23.8; MG discusses this in ch. 6 of his Introduction. See the Index for further references to bribes.

⁸⁵⁰ B: II 8.; cf. K: 104b, and II, p. 211..

⁸⁵¹ MG continues Deut. 24.17b.

⁸⁵² For the legality of pledges see ch.124, 125. Allowed: *nereac*; cf. the frequent use of the noun *nerum* as "concession."

⁸⁵³ The subject of this sentence is not made explicit. Since Armenian has no grammatical gender, the subject could be "Moses" or "the OT Law." I choose the former alternative, since "from itself" would be awkward to understand.

⁸⁵⁴ B: II 87; cf. K: II, p. 314.

⁸⁵⁵ MG refers to Deut. 25.1-3, which he does not quote directly.

⁸⁵⁶ MG adapts Deut. 25.11-12.

⁸⁵⁷ See ch. 63 for the fine for faculties or limbs.

*Chapter 132*⁸⁵⁸

Concerning the statutes for corpse-stealers

"If a corpse-stealer is caught and then willingly⁸⁵⁹ confesses, he is not to die. But if anyone does not kill him,⁸⁶⁰ let the holy church examine him; until his death let him be excommunicated, because there is no opportunity for his repentance."⁸⁶¹

It is clear from this saying that it decreed death for the unrepentant. But let the blood price of such persons be in accordance with the example shown;⁸⁶² furthermore, repentance [should be] appropriate. Let this be the legal statute for those persons.

*Chapter 133*⁸⁶³

Concerning the statutes for involuntary murders

"If anyone innocently goes travelling and he had no one previously who was an enemy, and if there encounters him one who is a common thief and brigand and he kills him, let the holy church not judge him as a murderer. But because of the awesome altar let him purify himself for a few days, considering why these involuntary [events] occurred, although the deliverance is from God."⁸⁶⁴

This makes one think that it refers to priests because of saying "the awesome altar;"⁸⁶⁵ but it is for everyone in general. However, this statute is for the judges of the church and not secular⁸⁶⁶ ones to judge, [taking into account] the benefit of each one according to circumstances.

⁸⁵⁸ B: II 89; cf. K: 134.

⁸⁵⁹ Then willingly: *apa kamawk'*, but *akamay kamawk'*, "unwillingly," in the printed Armenian text of the canon [where 5 MSS read as MG].

⁸⁶⁰ The sense seems to require "if he did not kill anyone;" there is no variant in the MSS. Karst, II, p.326, n.1, suggests "but if he does not confess."

⁸⁶¹ Post-apostolic Fathers, *Canon 17* [= KH I, p. 108]. David, ch.80, also prescribes repentance until death.

⁸⁶² See ch.2 for the blood price of a man.

⁸⁶³ B: I 44; cf. K: 132.

⁸⁶⁴ Post-apostolic Fathers, *Canon 18* [= KH I, p.108].

⁸⁶⁵ For priests in the same situation see ch. 170.

⁸⁶⁶ Secular: *artak'in*, lit. "outside," as p.8 etc.

Chapter 134⁸⁶⁷

Concerning the statutes for laying the foundations of a church

"Only the bishop is authorised to draw the foundations of a church in orthodox manner, or a *chorepiscopus*, or a *periodeutes*, with the permission of the bishop. [88] But if anyone dares to do so without [the permission of] the bishop or *chorepiscopus*, we have ordered those foundations to be destroyed. But if it be allowed, let the boundaries be set out a second time, and thus the order of the church is rendered blameless."⁸⁶⁸

One should know that there are two *chorepiscopoi*—one ordained, the other not. And *periodeutes*⁸⁶⁹ is the one who is now *but*.⁸⁷⁰ And if it happens that the bishop visits the village and will not destroy it, he orders the rite to be repeated. This statute is firm for these matters.

Chapter 135⁸⁷¹

Concerning the statutes for the ordination of bishops

"It is right that the bishop be enthroned by those who are bishops in the land and in the diocese.⁸⁷² But if because of some urgency or because of the distance of their fellows [this is impossible], three bishops, with the agreement of those who are distant, may enthrone him with letters of testimonial. But one must give honour and grace to the chief one, that is to the Catholicos.⁸⁷³ The great council so wished."⁸⁷⁴

⁸⁶⁷ B: I 45; cf. K: 51.

⁸⁶⁸ Post-apostolic Fathers, *Canon* 25 [= KH I, p.111-12]. For the *k'orepiskopos* see further ch.152.

⁸⁶⁹ *Periodeutes*: *peretut*, rendering the Greek *periodeutēs*, for which see Lampe, s.v. This was not an Armenian office; the only references to the word in the *NBHL* are to the citations in MG and the canons.

⁸⁷⁰ *But*: the Greek *boutistēs*, who dipped the person to be baptised in to the water; see Lampe, s.v. It is attested once in the seventh century as an Armenian personal name; *HAnjB*, s.v. Cf. the Bud who translated the first Syriac version of *Kalila-wa-Dimna*, Baumstark, p.124-5.

⁸⁷¹ B: I 46; cf. K: 52.

⁸⁷² Diocese: *vičak*, which refers also to one's "rank."

⁸⁷³ Catholicos: *kat'olikos* is a standard Armenian rendering for "metropolitan" in the Greek canons.

⁸⁷⁴ Nicaea, *Canon* 4 [= KH I, p.119].

It orders the ordination to be done canonically: first the selection by many, then with the agreement of all the Catholicos ordains; or, with his permission, two or three [bishops]. Now the title of Catholicos was here shown to be the chief of the others; but it is henceforth mammon.⁸⁷⁵

Chapter 136⁸⁷⁶

Concerning the statutes for those who are deposed from rank and prayer

"As for those who have been deposed from rank⁸⁷⁷ and prayer, whether a layperson or of the rank of ministers,⁸⁷⁸ if he goes anywhere to restore himself to his rank, let him not be received. And whoever is excommunicated or deposed by one *vardapet*, another *vardapet* is not to promote or reinstate in rank, unless they conduct a thorough investigation, to cure [the sinner] by the word of instruction and restore him to obedience under his own *vardapet*. But if he has been deposed from the church by reason of sin or wicked deeds, let them cure him with the medicine of penance."⁸⁷⁹

This discipline has been established by divine statute – not to accept anyone without knowledge. And *vardapets* are not to scorn each other, but to cure the unruly⁸⁸⁰ wisely for their restoration [to rank]. [89]

Chapter 137⁸⁸¹

Concerning the statutes for the ordination of Catholicoi

"Let the custom of the forebears apply in Egypt, so that the bishop of Alexandria has authority over all; for this is also the custom of the bishop of Rome. Likewise in the jurisdictions of Antioch and other [places] let the honour of superiority be preserved for the churches."⁸⁸²

⁸⁷⁵ For the role of the Catholicos see ch.157 below. Mammon: Here MG is referring to the influence of secular authorities on elections; cf. ch.148.

⁸⁷⁶ B: I 47; cf. K: 55.

⁸⁷⁷ Rank: *karg*, which also means "order," as in the next chapter.

⁸⁷⁸ Ministers: *paštawneayk'*, "servants, ministers," widely used for deacons.

⁸⁷⁹ Nicaea, Canon 5 [= KHI, p. 119-20].

⁸⁸⁰ Unruly: *ankargs*, those not in their proper "rank" or "order." The MSS offer several variants; see Torosyan, n.104.

⁸⁸¹ B: I 48; cf. K: 52.

⁸⁸² For the churches: the text in the Canon has "in the church."

Similarly let this be clear to all, that if a bishop is created without the will of the Catholicos, the great council decreed that such a one should no longer be bishop. But if in unanimity, all choosing rightly according to the order of the church, they make [someone] worthy, and if some two or three are opposed from their own perversity or contrareity, let the choice of the majority be confirmed."⁸⁸³

"Because the custom and rule of the forebears was observed that the bishop of Jerusalem should be honoured, let him receive respect so that the honour of the metropolitan cities be worthily observed."⁸⁸⁴

As for the earlier reference to the title Catholicos,⁸⁸⁵ here it indicates that he should be appointed in accordance with the customs of the forebears and of themselves. According to the four gospels it indicates these [four jurisdictions], and in other jurisdictions likewise,⁸⁸⁶ because whether they be an apostolic see or not, it orders a Catholicos to be appointed. If the chair of John was transferred from Ephesus to Byzantium,⁸⁸⁷ it was for the sake of honour, not for the sake of the Catholicosate. And it deposes those who are not ordained at the will of the Catholicos, from which it is clear that they are ordained with his permission. If it happens not from his own but at the choice of the majority, it is everywhere valid, and also for the ordination of a Catholicos.

*Chapter 138*⁸⁸⁸

Concerning the statutes for bishops and priests who usurp the see or congregation of another

"Because of the many perturbations and great disturbances which occur in various regions – those who become bishops and attempt to usurp another's see, and those who become priests and desire to

⁸⁸³ Nicaea, *Canon 6* [= KH I, p.120-21].

⁸⁸⁴ Nicaea, *Canon 7* [= KH I, p.121].

⁸⁸⁵ In ch.135.

⁸⁸⁶ For Armenian views about the original patriarchates and the standing of their own church see the discussion in Dvornik.

⁸⁸⁷ Byzantium: *Biwzandia*, not the standard Armenian term for Constantinople [see p.136], but probably taken from a Greek canon. The only reference in the *Kanonagirk'* is in Apostolic Canons, no. 5 [= KH I, p.60].

⁸⁸⁸ B: I 49; cf. K: 53.

usurp another's city or congregation – the great council decided that such persons should be deposed from each one's rank. Now if by force or bribes anyone dares to do this and contravenes the apostolic canon, the great council decided that such a person should be expelled from his see or rank of priesthood, and should be completely deprived of his ministry, and from then on should be considered by you as one of the senseless. For to whom something has been given [90] it will be given and increased; and who does not know how to hold it, what he has shall be taken away from him."⁸⁸⁹

This spiritual-canonical statute is not at all unclear. And accordingly many bishops and priests should now be expelled.⁸⁹⁰

*Chapter 139*⁸⁹¹

Concerning the statutes for ecclesiastics⁸⁹² irregularly [appointed]

"Concerning those who are in the rank and canon and clergy⁸⁹³ of the church and fall into avarice and love of lucre, [one who] puts his money out on loan and demands it back with interest, and forgets the word of the divine scripture which says: "He will not give out his money on loan,"⁸⁹⁴ and especially is inconstant in ministry and weak-spirited in prayer, slack and lazy in faith – to such a person scripture says: "Woe to those who have abandoned youthful study and have forgotten the divine covenant."⁸⁹⁵ The great council decided to expel such persons from their rank, or with indulgent will to bring them to the right path."⁸⁹⁶

Let priests heed the decision of this canonical statute and be fearful; otherwise they are to be judged at the last and impartial judgment.

⁸⁸⁹ Nicaea, *Canon 15* [= KH I, p. 127-28]. The last sentence is a reminiscence, but not direct quotation, of Mt. 13.12, 25.29; Mk. 4.25; Lk. 8.18, 19, 26.

⁸⁹⁰ See the Introduction for MG's contemporary concerns.

⁸⁹¹ B: I 50; cf. K: 54.

⁸⁹² Ecclesiastics: *ekelec'akan*, "cleric," as also pp. 34 and 94.

⁸⁹³ Clergy: *uxt*, lit. "covenant," widely used in this sense.

⁸⁹⁴ Ps. 14.5 = Ez. 18.8.

⁸⁹⁵ Prov. 2.17

⁸⁹⁶ Nicaea, *Canon 16* [= KH I, p.128], no.17 in the Greek since the Armenian version runs together nos.15 and 16..

*Chapter 140*⁸⁹⁷

Concerning the statutes for those who abduct betrothed girls

"When girls have been betrothed or married,⁸⁹⁸ if after that others abduct them,⁸⁹⁹ it was decided that they should be given back to the one to whom they were betrothed. Even if [the abductor] resorts to force, they should not permit it."⁹⁰⁰

It reckons as one the married and the betrothed, and [decrees] that they should be returned, even if she is wedded⁹⁰¹ to the abductor. This is rightly the statute for these matters.

*Chapter 141*⁹⁰²

Concerning the statutes for clergy⁹⁰³ eating meat

"Those who are in the clergy, priests or deacons or any other of the ministers, and they abstain from meat, and their minds are eager to taste it, let them eat openly and not in secret; but if they wish, let them fast. The canons permit both. But if anyone reckon [91] either vegetable or bread which is [prepared] with meat⁹⁰⁴ to be impure, the rule of the church does not accept this."⁹⁰⁵

By "clergy" it is clear that it means those married and those celibate and whoever are in the church. So then it is in vain that the nation of the Greeks and ours calumniate each other, because the canons accept both, it says. Now it is better not to eat [meat] than to eat it, although it is not spoken ill of, as with us there are many who fast. But to condemn each other is contrary to the code.⁹⁰⁶

⁸⁹⁷ B: I 51; cf. K: 82.

⁸⁹⁸ Married: here *zugeal*, lit. "joined," as in Mt. 19.6.

⁸⁹⁹ Abduct: *yap'staken*, "seize as plunder, pillage;" see ch. 120, n.825.

⁹⁰⁰ Ancyra, Canon 12 [= KH I, p. 162-63]. See also chs.29, 81.

⁹⁰¹ Married/betrothed/wedded: *zugeal*, "joined," *xawseal*, "bespoken," *psakic'i*, "crowned," referring to the religious ceremony.

⁹⁰² B: I 52; cf. K: 56a.

⁹⁰³ Clergy: *uxtakan*, the adjective from *uxt*, which is used in ch.139 and here in the text of the canon.

⁹⁰⁴ With meat: *msot*. The adjectival ending *-ot* [here with *mis*, "meat"] is very common, but this particular word is only attested here according to the *NBHL*.

⁹⁰⁵ Ancyra, Canon 15 [= KH I, p.163-4].

⁹⁰⁶ Those who reckon the eating of meat, *msakerut'iwn*, to be impure are condemned in Gangra, *Introduction* [= KH I, p.191], and Second Nicaea, Canon 48 [= KH II, p.81].

*Chapter 142*⁹⁰⁷

Concerning the statutes for ecclesiastical possessions

"Concerning possessions which are called "of the church," whatever it might be, whether a village or something else, if before the bishop was in that place the priests sold it, it is permitted to demand it back for the same [price]. But the bishop will balance what is legal and what is appropriate, whether it is possible to accept the price or to return it."⁹⁰⁸

This canonical precept desires what belongs to the church to be inalienable,⁹⁰⁹ and the bishop, not the priests, to have authority over it. Whether to accept or return [the price] the bishop will see. It is as follows. If the one who bought it has consumed over the years as much as the price, he is not to return the price. But if he has not gained any profit, he is to return it. According to this model it says "to balance." It is appropriate to know this too, that ecclesiastical property is not to be sold in any other way save [as] one sells unnecessary things, and with that same money buys what is needed.⁹¹⁰ That statute is to be accepted in the churches.

*Chapter 143*⁹¹¹

Concerning the statutes for the one who is false to promised virginity

"Concerning those who attain maturity and promise to preserve virginity, but are false to their promise and fall into fornication – henceforth such a person is unable to be a virgin, but let him be like the one who has married two wives;⁹¹² let him observe the statute and penance imposed on them. Let him remain for two years at the door under discipline, and for one year he may enter the church subject to penance. Let them see the ardour of his penance, and [then] he may communicate in the elements. But let them not approach the anointing of priesthood."⁹¹³

⁹⁰⁷ B: I 53; cf. K: 56.2.

⁹⁰⁸ Ancyra, *Canon 16* [= KH I, p. 164].

⁹⁰⁹ Inalienable: *anvačareli*, lit. "not to be sold." That church property is not to be alienated is stressed in chs. 153 and 207.

⁹¹⁰ For the sale of church property see also ch. 92.

⁹¹¹ B: I 54; cf. K: 56b.

⁹¹² See ch. 187 for bigamy.

⁹¹³ Ancyra, *Canon 20* [= KH I, p. 166-7].

This is clearly indicated in the 30th chapter of the Nicaean [canons];⁹¹⁴ but here it applies to the one who marries and commits adultery. It is clear that he does the penance for adultery. [92] But as for marriage it was that of bigamists, hence he cannot become a priest. And if he marries a second time, it is considered like a third. But let them see the age of the one confessing, and judge thus. Let it be in accordance with that. This you will also find in the canons of the Illuminator in the 30th chapter,⁹¹⁵ and elsewhere.

*Chapter 144*⁹¹⁶

Concerning the statutes for baptising pregnant women

"Concerning pregnant women: it is right to baptise them whenever they wish, because in such matters the parent is not equal with the offspring. It is right that fully of their own will they demonstrate their zeal for the avowal of the reception of baptism."⁹¹⁷

This it allows because of the fear of death which accompanies childbirth. Therefore the baptiser and the baptised need have no scruple. And lest the child be thought to be baptised with the same [woman], it adds the reason. This law is to be accepted in the church.

*Chapter 145*⁹¹⁸

Concerning the statutes for divorcing a fornicating wife

"If anyone would divorce his wife for reason of fornication or for any other evil action, to whose evil deeds not only her husband but also the public⁹¹⁹ testifies, let him divorce her; the canon accepts that. But let him do penance for a year, be purified through mercy, and communicate in the elements; [then] if he wishes, let him marry. The

⁹¹⁴ Canon 30 of the Second Set of Nicaea [= KH II, p.78], indicates that priests or deacons who have sinned before ordination may not offer the liturgy or conduct baptisms. Canon 29 states that priests may not enter a second marriage. For this collection see Mahé/Mercier, *REA* 15, p.189.

⁹¹⁵ Gregory, *Canon* 30 [= KH I, p.249], states that dedicated virgins and monks are deprived of communion if they marry.

⁹¹⁶ B: I55; cf. K: 77.

⁹¹⁷ Neocaesarea, *Canon* 6 [= KH I, p.181].

⁹¹⁸ B: I56; cf. K: 78.

⁹¹⁹ Public: *ašxarh*, lit. "land, province."

wife is not allowed to marry another man so long as her husband is alive."⁹²⁰

Although we have [already] set down this statute⁹²¹ we repeated it, because not only for fornication but also for other evil deeds it bids divorce – for witchcraft, poisoning,⁹²² and other such things. That they can marry again by mutual agreement, as we have heard so we set it down.⁹²³ And lest it be thought contrary to the canons, as they may wish so let them undertake it.

*Chapter 146*⁹²⁴

Concerning the statutes for divorcing a wife through hatred

"If anyone dismissed his wife, not because of fornication and not because of evil actions, but because of perversity on the grounds that she had cast an eye on another, [93] the canons do not accept such actions, until he return to his first wife. For his transgression let him observe repentance for seven years, five years outside and two inside [the church]. But if he will not return to his original wife, let him divide his property; he will give half to his wife, and a fine to the church because he dishonoured the crown of blessing which he accepted for his wife. And he shall be called a fornicator for the duration of his life, and he may not enter the church of God, but at the door will engage in prayer; through mercy by gifts to the needy and by hot tears he may attain the final rites.⁹²⁵ But if the wife dies and the husband does not marry and comes to repentance, for five years he shall stand at the door and for three years he shall be engaged in prayer under discipline; [then] propitiated through mercy he may communicate."⁹²⁶

This too we have repeated, which was previously set down in our code,⁹²⁷ as we indicated in the preceding chapter, saying that they

⁹²⁰ Neocaesarea, *Canon* 11 [= KHI, p.183].

⁹²¹ See ch.10 above. But there MG forbids a woman to remarry while her husband is still alive.

⁹²² Poisoning: *deḷatuut'iwn*; cf. also ch.19 [and Thomson, *DOP*], and ch.233. Witchcraft: *kaxardut'iwn*; cf. ch.195.

⁹²³ As we have heard: See the Introduction for MG's sources.

⁹²⁴ B: I 57; cf. K: 79.

⁹²⁵ Final rites: *yetin t'ošak*. *T'ošak* is "pay, stipend," as ch.1, n.269. For the meaning "viaticum," see the references in the *NBHL*.

⁹²⁶ Neocaesarea, *Canon* 12 [= KHI, p.183-4].

⁹²⁷ See chs.9, 13, 122.

could marry by mutual agreement. And because what we put down from oral tradition⁹²⁸ may not be reckoned in accordance with the canons, let them accept the canonical statement and thus judge it indubitable.

Furthermore, as for whatever in the lawcode is reckoned as contrary to the command of scripture, accepting the [verdict] of scripture let them leave us blameless, because I am not opposed to the divine laws. But we have set down from oral tradition the statement of the true [facts]⁹²⁹ as a concession. But it is up to the will of those who receive it to trust in it or not; and therefore let them be friendly towards us and not reckon our little labour as futile.

*Chapter 147*⁹³⁰

Concerning the statutes for deacons divorcing adulterous wives

"Concerning those who have prepared for the priesthood and have wives, if before he enters the priesthood his wife commits adultery, let him divorce his wife, and she cannot marry [again], and the husband may enter the priesthood. But if he wishes to live with his wife, he cannot become a priest, because neither the church nor the canons accept that."⁹³¹

It gives permission in both cases: the wives of laymen it allows to marry after the death of the husband, but these not. But let this be seen as acceptable by the code.

*Chapter 148*⁹³²

Concerning the statutes for the impurity of priests

"If a priest be found in impurity and the matter is revealed⁹³³ and he does not confess, no one can reprimand him openly. At his will

⁹²⁸ Cf. the previous chapter.

⁹²⁹ The statement of the true: *zčšmartic'n...zban*. The referrent of *čšmarit* here is not clear.

⁹³⁰ B: I 58; cf. K: 57.

⁹³¹ Neocaesarea, *Canon* 13 [= KH I, p.184-5]; cf. also Šahapivan, *Canon* 2 [= KH I, p.431] and Basil, *Canons* 55, 56 [= KH II, p.115].

⁹³² B: I 59; cf. K: 57.

⁹³³ MG [including the *G* recension, and *B*] omits a line from the text of the Canon: "and confessed, he cannot act as a priest but may remain in this rank. But [if he

[94] they will let it be; but he cannot become bishop."⁹³⁴ "The same canon applies also to deacons."⁹³⁵

It warns ecclesiastics and laymen to leave such matters to [the priests] themselves and to the bishop, because they are the judges of priests and deacons.

*Chapter 149*⁹³⁶

Concerning the statutes for the ages of ordination

"The whole great council decided that before the age of thirty⁹³⁷ no one was to be anointed to the priesthood, so that he might be tested and selected, and the impure might be distinguished from the pure; because our Lord was thirty years old⁹³⁸ when he received the unction of baptism and began to teach that same example to all: to baptise at eight days old,⁹³⁹ but to anoint to the priesthood at thirty years."⁹⁴⁰

If not according to this rule which they set down as a respected model, at least let them act according to the canon of the most recent holy patriarchs Gregory and Nerses,⁹⁴¹ because to infringe this rule must be considered contrary to the lawcode.

*Chapter 150*⁹⁴²

Concerning the statutes for those who by necessity come to baptism or repentance in whatever manner it may be

"Concerning those who fall into affliction or severe illness or are forced by overpowering [circumstances]⁹⁴³ and are baptised because of the affliction, or at first was a Christian in name but in deed was wicked, and then because of affliction comes to the faith – such a person the church receives, but not completely, because the faith was unwilling.

does not confess...]." It is not clear whether the omission is deliberate on MG's part.

⁹³⁴ Neocaesarea, *Canon* 14 [= KHI, p. 185].

⁹³⁵ This is the first line of the next canon: Neocaesarea, *Canon* 15 [= KHI, p.185].

⁹³⁶ B: I60; cf. K: 57.

⁹³⁷ But in ch.7 of MG's Introduction, p.12, the age of twenty-five years is prescribed.

⁹³⁸ Cf. Lk. 3.23.

⁹³⁹ Cf. Christ's circumcision at eight days, Lk. 2.21.

⁹⁴⁰ Neocaesarea, *Canon* 16 [= KHI, p.186].

⁹⁴¹ Gregory III Pahlavuni, 1115-1166; Nersēs Šnorhali, 1166-1173. The current patriarch was Gregory IV Tlay, 1173-1193; see p.25.

⁹⁴² B: I61; cf. K: 64b.

⁹⁴³ Overpowering: *br̄nawor*, clearly not in the sense of "tyrant" here.

Scripture says about such a one:⁹⁴⁴ Shall they confess to the dust for you?"⁹⁴⁵

This kindness has been shown by the Lord in a parable;⁹⁴⁶ but according to the code it is incomplete.

Chapter 151⁹⁴⁷

Concerning the statutes for provincial priests

"As for provincial priests in a city church, when a bishop is present or the priest of the city, it is not appropriate for them to offer the liturgy, or to give the bread in the *agape*, or to share it out in the church. But if they are numerous,⁹⁴⁸ [95] and he is invited, let him give [bread] at the *agape*; but let the profit, whatever it be, remain in the same church."⁹⁴⁹

If the men of a city have honour,⁹⁵⁰ how much more the bishop and priest. But if the [provincial priests] are sufficient elsewhere, or are there and unoccupied, and they are invited, let them act with their permission. And by law the profit remains in the church.

Chapter 152⁹⁵¹

Concerning the statutes for *chorepiscopi*

"The *chorepiscopi* are in accordance with the model and rank of the seventy,⁹⁵² like colleagues and co-workers for salvation⁹⁵³ which

⁹⁴⁴ Ps. 29.10

⁹⁴⁵ Neocaesarea, Canon 17 [= KHI, p.186].

⁹⁴⁶ Torosyan, following Bastameanc', interprets this as a reference to the Prodigal Son [Lk. 15.11-32], although here forgiveness is not complete. Christ's "kindness, *mardasirut'iwn*," reflects Titus 3.4.

⁹⁴⁷ B: I 62; cf. K: 58.

⁹⁴⁸ They are numerous: *šatin ic'en*; the Canon and B read "*hramayic'en*," "they permit." Since MG's comment states "if they are sufficient, *bawakanealk*," the reference here must be to numbers. The grammar is unclear, since *šatin* as an adjective or adverb is not attested. The sense may be that if there are too many provincial priests to carry out their own work in the countryside, where they are "unoccupied," then some might have the occasion to be in the city. The "profit, *šah*," would be the offering; it should go to the church, not to the visiting officiant.

⁹⁴⁹ Neocaesarea, Canon 18 [= KHI, p. 187].

⁹⁵⁰ City dwellers are more honoured than countryfolk; see p. 32.

⁹⁵¹ B: I 63; cf. K: 59.

⁹⁵² Lk. 10.1.

⁹⁵³ Salvation: *p'rkut'ean*, as G. B and the Canon read *p'ut'ut'ean*, "zeal."

is to be carried out for the poor."⁹⁵⁴

The overseer of a province is translated "chorepiscopus," and he ordains to the lower ranks which are below priesthood. It is contrary to the lawcode⁹⁵⁵ for bishops to make laymen *chorepiscopus*, or an ignorant priest, an oppressor of the poor and not their overseer; for bishop is translated "overseer,"⁹⁵⁶ and these are their colleagues.

Chapter 153⁹⁵⁷

Concerning the statutes for the offerings to the church

"As for those who wish to take or give the offerings of the church outside the church, he who acts or operates in such matters without the agreement of the bishop or contrary to the wish of the one who ordained such a one, let him be anathema."⁹⁵⁸

Let those who deprive the churches to give [the offerings] either to themselves or others, heed this and be fearful. If there is anathema for such people, how much more for those who despoil each others' churches. Here the anathema is by statute, because he who alienated the offering of the church, will himself also be alienated from the church.

Chapter 154⁹⁵⁹

Concerning the statutes for those who abandon their children

"Those who beat and abandon their children and do not nourish them as much as they are able, do not concern themselves with God's rule and their nurturing up to the age of maturity, but as if for reason of fasting and [96] monasticism despise and neglect them, let them be anathema."⁹⁶⁰

Although we think this canon rule strictly concerns the sect⁹⁶¹ who

⁹⁵⁴ Neocaesarea, *Canon* 19 [= KH I, p.187]. Lampe, s.v., quotes this Canon as the first example for the use of "chorepiskopos." The earliest use in Armenian occurs in the *Buzandaran*, III 14; see *HE*, p.539, for discussion. See also ch.134.

⁹⁵⁵ For the moral qualifications of a *chorepiskopos* see *Canons of Sahak*, 1 [= KH I, p.368].

⁹⁵⁶ Overseer: *tesuč*, as Acts 20.28. It is common in Armenian for "bishop."

⁹⁵⁷ B: I 64; cf. K: 59.

⁹⁵⁸ Gangra, *Canon* 7 [= KH I, p.194].

⁹⁵⁹ B: II 90; cf. K: 97a.

⁹⁶⁰ Gangra, *Canon* 15 [= KH I, p.196].

⁹⁶¹ Sect: *aland*, asp.22, n.233. Torosyan, n.111, follows Karst [II, p.198] in identifying this sect with followers of Eustathius, the ascetic of Sebaste; cf. Garsoïan, "Nersēs," *Studies* no.7. The canons of Gangra were particularly directed against Eustathius.

pronounced themselves holy and made many innovations, as concerning the offerings of the church and other [matters]; yet it is the command of the divine scriptures in accordance with the will of God to raise one's children so that they not stray from the laws of God.⁹⁶² Although they themselves reckon that thereby they are close to God, by statute they are to be excommunicated because they were the cause of their offspring straying from God.

*Chapter 155*⁹⁶³

Concerning the statutes for children who abandon their parents

"If anyone's child, whose parent is a firm believer and virtuous in the ranks of God, should draw away on the pretext of piety, and despise and not pay worthy and true honour to his parents,⁹⁶⁴ let him be anathema."⁹⁶⁵

For this too there is a strict command from scripture,⁹⁶⁶ although [the code] gives more especial warning concerning the sect just mentioned, who on pretext of piety have [children] despise their parents; for which reason it posited the "firmness"⁹⁶⁷ of the parents' faith. For although the Lord commanded to abandon parents that impede piety, yet these [abandon] even good ones. Therefore the [statutes] rightly imposed anathema.

*Chapter 156*⁹⁶⁸

Concerning the statutes for those who eat on Maundy⁹⁶⁹ Thursday

"If anyone should fast during holy Lent, and on the Thursday of Easter should dare to eat rather than communicate in the elements

⁹⁶² Cf. Eph. 6.4.

⁹⁶³ B: II 91; cf. K: 97a.

⁹⁶⁴ I.e. the fifth commandment, Ex. 20.12; cf. Deut. 5.16, Mt. 15.4, and parallels. MG here omits a line of the Canon.

⁹⁶⁵ Gangra, *Canon* 16 [= KH I, p.196-7].

⁹⁶⁶ Mt. 19.28, Mk. 10.29, Lk. 18.29 refer to abandoning one's parents [but not to the latter impeding piety].

⁹⁶⁷ Firmness: *arawelut'iwn*, reflecting the "firm [*arawel*] believer" of the canon. MG had used the term earlier for the superiority of the Christian dispensation over that of the OT, chs. 58, 65.

⁹⁶⁸ B: I 65; cf. K: 69.

⁹⁶⁹ Maundy: lit. "great."

and holy cup,⁹⁷⁰ the fast which he kept is in vain and he is anathematized by the great council."⁹⁷¹

This they also decreed at the council of Nicaea,⁹⁷² that on that day one should eat a little dried food. Let the Greeks and Georgians⁹⁷³ heed the sentence of those who eat on Maundy Thursday; because although the Armenians were not assembled at Gangra, nor at Nicaea,⁹⁷⁴ yet [it was accepted] by all nations, especially the Greeks. And this statute cannot be set aside for them, because it was not abrogated by a worthy council but by the despicable and unworthy council of Chalcedon.⁹⁷⁵[97]

Chapter 157⁹⁷⁶

Concerning the statutes that bishops are subject to Catholicoi⁹⁷⁷

"Let the bishops in each one's diocese⁹⁷⁸ understand that the bishop of the metropolitan cities is their support and protector,⁹⁷⁹ and everyone has recourse to him for whatever response he wishes to make, be it to a decree of a king or of princes concerning affairs of the church or general order. Therefore it was decided that he should be first in honour, and without him [a bishop] should have no authority to do anything, in accordance with the ancestral custom of our fathers, the canons which are established. Save only that he

⁹⁷⁰ The Armenian here implies that "elements, *awrēnk*," refers only to the bread, which is not the standard usage; cf. above, pp. 91, 92.

⁹⁷¹ Gangra, *Canon* 21 [= KHI, p. 198].

⁹⁷² Second Set of Nicaea, *Canon* 105 [= KH II, p. 89]; cf. Laodicea, *Canon* 47 [= KHI, p. 239].

⁹⁷³ See p. 10 of the text for further references to MG and Georgians.

⁹⁷⁴ But Agat'angelos, §884-5, stresses the participation of Aristakes, Gregory's son and successor as bishop of Armenia, and his bringing of the Nicene canons to Armenia!

⁹⁷⁵ The Armenian *Kanonagirk'* does not contain the canons of Chalcedon. Bastameanc' notes that Chalcedon has no such canon.

⁹⁷⁶ B: I 66; cf. K: 21.

⁹⁷⁷ Catholicos: rendering the Greek "metropolitan," as in ch. 135.

⁹⁷⁸ Diocese: *išxanut'iwn*, lit. "authority, jurisdiction." *Vičak* is also common for an episcopal see, e.g. ch. 159.

⁹⁷⁹ Protector: *hogabaru*, "one who has care for," not biblical. It renders the Greek *kēdemon*. The references in Lampe, s.v., are to divine or angelic protection; the Greek term does not seem to be used of bishops. It is first used in Armenian by Koriwn, p. 44, of Sahak and Maštoc'.

should be authorised to act in his own diocese, whether villages or provinces, or the unction of priesthood or whatever behaviour might apply to his own province and diocese. But he is completely forbidden to act in any way in another [diocese] or to become involved outside [his own] without the wish of the bishop of the metropolis. And not even the Catholicos [is allowed] to do anything without the agreement of the other bishops."⁹⁸⁰

It is clear that this spiritual regulation is now totally abrogated.⁹⁸¹ Let not any bishops or archbishops be angry with us, because they do not seek to ordain worthy persons, but they wait until passion moves someone and these bestir other vicious people of the province, and they go about with commendatory letters as purported testimonials.⁹⁸² Although this is clear to the patriarchs – for whoever of the virtuous dared of himself to do these things? – they are willingly deceived. This is the cause of their opposition to the patriarchs, because they were not summoned by the Lord, nor were they ordained with the agreement of the bishops.

*Chapter 158*⁹⁸³

Concerning the statutes for those who are deposed by a bishop

"If anyone, a priest or deacon, is deposed by his own bishop, and he does not accept the sentence of the bishop and dares to inflict the report on many congregations as if he had some legal right, let him speak before many bishops and take care to receive from them the decision of a just sentence. But if he is vexed with them also and mocks them, and dares to address the king and cause trouble, such a one is not to be made worthy of forgiveness or readmission, or of being given any hope at all that he may be confirmed in the same position in the future."⁹⁸⁴

This statute is just, because after being reprimanded once and twice he was insolent. For if he presumed to have rancour against his

⁹⁸⁰ Antioch, *Canon* 9 [= KHI, p. 210-11].

⁹⁸¹ See the Introduction for MG's comments on contemporary circumstances. Karst, II, p. 28, notes a similar attack in Nerses of Lambron, *Commentary on Liturgy*, p. 536, where he inveighs against irregular succession to bishoprics and abbacies.

⁹⁸² For testimonials cf. p.88. For false commendatory, *ēncayakan*, letters see p.126.

⁹⁸³ B: I 67; cf. K: 22.

⁹⁸⁴ Antioch, *Canon* 12 [= KHI, p.213]. Readmission: lit. "acceptance."

own bishop, will he not also against many? But when he repents, this too may be reviewed.[98]

*Chapter 159*⁹⁸⁵

Concerning the statutes that bishops are not to be ordained from another see⁹⁸⁶

"Let no bishop anywhere have the authority or dare to enter one jurisdiction from another, and perform ordination in churches or bring anyone to holy orders,⁹⁸⁷ nor with a large group enter another diocese; unless with permission and written authority the metropolitan and the bishops under him allow him to enter. But if without an invitation he insolently goes to perform ordination for someone or for the settlement of church affairs, which is not at all appropriate for him, let the one made [priest] by him be deposed, and he himself be condemned and receive worthy sentence for his insolence and thoughtless ordination, and be immediately expelled by the holy council."⁹⁸⁸

This was laid down in many canons and in almost all [councils],⁹⁸⁹ because it is evil and the cause of disorder. "Let him be deposed" means as follows. If the one ordained by him is worthy, after penitence he may be confirmed with the appropriate blessing by his own bishop; likewise also any other [church] matters arranged. Even he himself may be confirmed by demonstrating worthy penance. Otherwise, let him be permanently expelled.

*Chapter 160*⁹⁹⁰

Concerning the statutes for accused bishops

"If any bishop be found guilty in any matter of transgression and censure, and then it happens that the bishops who are in the diocese are not agreed about him, and some of them wish to declare him in-

⁹⁸⁵ B: I 68; cf. K: 23.

⁹⁸⁶ See: *vičak*; jurisdiction: *išxanut'iwn*. Cf. n.978 above.

⁹⁸⁷ Holy orders: *astičan*, lit. "step, rank."

⁹⁸⁸ Antioch, *Canon* 13 [= KH I, p.213-4].

⁹⁸⁹ Cf. Constantinople, *Canon* 2 [= KH I, p.275]; Second Set of Nicaea, *Canon* 75 [= KH II, p.85].

⁹⁹⁰ B: I 69; cf. K: 24.

nocent and justified, while others of them wish to condemn him – in order that hypocritical opposition may be completely ended, the holy council decided that he who is bishop of the metropolitan cities should summon some others from the nearby provinces and diocese, so that they may judge and resolve the hypocritical dispute. For whatever those from the diocese may arrange is confirmed."⁹⁹¹

See how accurately it enjoins the Catholicoi⁹⁹² to make judgment, and not to be deceived for reason of avarice and distort the true statutes.

Chapter 161 ⁹⁹³

Concerning the statutes for those who innovate the old custom of the church

"It is not allowed to introduce innovations into the ancient customs in a province of the churches."⁹⁹⁴ [99]

This refers to sees and thrones and congregations. If any of the patriarchs mentioned⁹⁹⁵ wishes to change [anything], he must do so through councils, which is without risk according to the lawcode.

Chapter 162 ⁹⁹⁶

Concerning the statutes not to give the holy species to other churches

"It is not allowed to send to other churches the holy species in mode of blessing at Easter."⁹⁹⁷

It prevents the giving of consecrated bread to other churches, lest it be the cause of tumult, because in all [matters] the canons are anxious for right judgment.

⁹⁹¹ Antioch, *Canon 14* [= KH I, p.214-5].

⁹⁹² Catholicoi: rendering "metropolitans," as above.

⁹⁹³ B: I 70; cf. K: 24.

⁹⁹⁴ Second Set of Nicaea: *Canon 6* [= KH II, p.74]. For "innovations" cf. also Sahak, *Canon 3* [= KH I, p.369]; Yovhannes Imastasēr, *Canon 8* [= KH I, p.519].

⁹⁹⁵ Patriarchs: *hayrapet*, i.e. the Catholicoi of the previous chapter.

⁹⁹⁶ B: I 71; cf. K: 25.

⁹⁹⁷ Laodicaea, *Canon 14* [= KH I, p.232], not quoted exactly; cf. also Second Set of Nicaea, *Canon 89* [= KH II, p.87], though that does not refer to Easter. Holy species: *srbut'iwnk'*, not *awrēnk'* as above. Consecrated bread: *nšxar*, rendering the Greek *eulogia*.

*Chapter 163*⁹⁹⁸

Concerning the statutes for those who mingle with foreigners through marriage

"It is not allowed that those who are of our church should join their sons or daughters in irregular or lewd marriages with foreigners, to marry into them or take a wife from them."⁹⁹⁹

Let this be the statute for such persons in accordance with the will of the canons. If they give [sons or daughters] to heathen foreigners and they are [thus] deprived of communion, let the givers also be deprived of their communion. And if [they give sons or daughters] to schismatics¹⁰⁰⁰ with whom we do not communicate, let the parents who give in marriage with them pay sentence of remorse.

*Chapter 164*¹⁰⁰¹

Concerning the statutes for bishops who take [the property] of other churches to adorn their own

"A bishop, if he is [bishop] of many provinces and has a diocese under his control, may not be allowed to take [property] from another's diocese and adorn his own church, because it was done with partiality and brought condemnation upon himself. Such a person, if he will not agree to return the property, is to be excommunicated. And the one whose [property] he took and built another's church, they shall not call him their own *vardapet*."¹⁰⁰²

This spiritual rule is clear and is to be kept faithfully in the church.
[100]

*Chapter 165*¹⁰⁰³

Concerning the statutes for the one who is not of sound mind and commits suicide

"Question. He who is not of sound mind and commits suicide – either he falls from a precipice or meets a different death – is it neces-

⁹⁹⁸ B: I 72; cf. K: 26.

⁹⁹⁹ Laodicea, *Canon 10* [= KH I, p.231]. The original *aylazgi* could not refer to Muslims, as MG intends here.

¹⁰⁰⁰ Schismatics: see above, MG's Introduction, ch.7, n.147.

¹⁰⁰¹ B: I 73; cf. K: 27.

¹⁰⁰² Clement, *Canon 83* [= KH I, p.99]. The meaning of the last sentence in Armenian is obscure.

¹⁰⁰³ B: I 74; cf. K: 98a.

sary to offer a liturgy for him or not?

Answer. It is necessary for the cleric to investigate whether he was truly insane¹⁰⁰⁴ and did this; because often a relative of the afflicted one, wishing to arrange that a liturgy be offered for him, lies, saying that he was not of sound mind, so that they may offer the liturgy. So it is necessary to investigate lest perchance he did this by human violence or in some other way. Then it is not right for a liturgy to be celebrated for him, because he committed suicide. So it is necessary to investigate everything truly, lest the one offering [the liturgy] fall into judgment,"¹⁰⁰⁵

So although it is clear according to the question and the answer, yet the overseers [of the idiot] are obligated to do penance according to the judgment of the *vardapets*. But this does not apply to [secular] judges.¹⁰⁰⁶

Chapter 166¹⁰⁰⁷

Concerning the statutes for a possessed woman

"Question. If a woman is greatly afflicted by a spirit so that she puts on irons, and her husband says: I cannot endure it, and wishes to take another wife, is it legal or not?

Answer. Adultery is involved in this matter. What is necessary and worthy, I have no knowledge about that."¹⁰⁰⁸

We have also written down this statute before as a matter of concession.¹⁰⁰⁹ As they wish, let the judges accept it, and not criticize us for it.

Chapter 167¹⁰¹⁰

Concerning the statutes for the unmanly

"Question. If a man is not capable of the male act and his wife leaves him, and if someone takes that woman to wife, should one

¹⁰⁰⁴ Insane: *pakasamit*, as. p.42.

¹⁰⁰⁵ Athanasius, *Canon* 11 [= KH I, p.295].

¹⁰⁰⁶ I.e. this is judged by spiritual, not lay, judges. The distinction is made more explicit in ch. 171, where too the overseers of insane people are enjoined to do penance if the latter commit murder. See also ch.182 for carers of the mentally feeble.

¹⁰⁰⁷ B: I 75.

¹⁰⁰⁸ Athanasius, *Canon* 12 [= KH I, p.295-6].

¹⁰⁰⁹ I.e. in ch.7. Concession: the common term *nerumn*, "indulgence, pardon."

¹⁰¹⁰ B: I 76; cf. K: 80a.

consider such a woman among repudiated women or hold her as blameless? Or if the husband does not divorce his wife but says as follows: "My lot has befallen me from God, stay and serve me" – what reponse are we to give?

Answer. It is not right to divorce, nor are you to allow it."¹⁰¹¹
[101]

This canonical rule has also been set down above;¹⁰¹² as a concession one may at will rely on either. Likewise also [this is] for the judges of the church.

*Chapter 168*¹⁰¹³

Concerning the statutes for a crippled woman

"Question. If anyone's wife becomes crippled and she says to her husband: "Behold I am not suitable to act as a wife, marry yourself another woman who will be useful to you and keep house for you; and give me each year bread and clothing, and I shall sit by the church until the end of my time;" and he will agree to do everything – is this matter punishable that he takes another wife, or is he free of blame?

Answer. It is criminal. It is not authorised to marry another wife while the first is alive."¹⁰¹⁴

This statute was set down earlier as a matter of choice and concession.¹⁰¹⁵ At the desire of the judges of the church we also set down the reception¹⁰¹⁶ of these persons, only that I might be freed from scruple.

*Chapter 169*¹⁰¹⁷

Concerning the statutes for those who commit bestiality

"Question. If a man commits impurity with an animal, and after the impurity repents and does penance, and labours in the lazar-

¹⁰¹¹ Athanasius, *Canon* 21 [= KHI, p.298-9].

¹⁰¹² See ch. 6.

¹⁰¹³ B: I 77; cf. K: 81.

¹⁰¹⁴ Athanasius, *Canon* 23 [= KHI, p.299-300].

¹⁰¹⁵ See ch.7; though *nerumn* is not used there.

¹⁰¹⁶ Reception: *ēndunelut'iwn*, the meaning of which is not clear. Ch.7 deals with the terms under which married couples with varied afflictions are to remain married or may separate.

¹⁰¹⁷ B: I 78.

house¹⁰¹⁸ as the *vardapets* command, and his wife after his transgression does not wish to remain married to him because of the impurity which afflicted him, and her husband says as follows: "Either let my first wife be persuaded, or allow [me] to marry another."

Answer. The wife is allowed to leave, and the husband¹⁰¹⁹ to marry another."¹⁰²⁰

This statute was indicated once before, but now we have set down the permission for the innocent one, to complete that [rule].¹⁰²¹

Chapter 170¹⁰²²

Concerning the statutes for murder by priests

"Question. If a priest happens to be on a journey and brigands fall on him, and it happens that the priest kills some of the brigands [102] and saves himself and his companions, is he allowed to remain in the rank of priesthood, or not?

Answer. It is not right for him to remain in the priesthood, because it is not right for a priest to kill any man; although he himself may be killed, he may not [kill] even an animal."¹⁰²³

I have heard¹⁰²⁴ concerning this statute that it is not right to kill for one's own [safety], but it is legitimate to kill for the sake of one's companions when the brigands are foreigners.¹⁰²⁵ To preserve priesthood or not, let that be examined by *vardapets* according to the circumstances.

¹⁰¹⁸ Cf. Post-apostolic Fathers, *Canon 11* [= KH I, p.106-7], where fornication with lepers is equated with bestiality.

¹⁰¹⁹ The text of the canon and *B* have a negative, "is *not* allowed." But the majority of the MSS of the *A* and *G* recensions read as printed; see T'orosyan, n. 112.

¹⁰²⁰ Athanasius, *Canon 26* [= KH, I, p.301]. But Ancyra, *Canon 17* [= KH I, p.164-5], enjoins penance with the catechumens for bestiality.

¹⁰²¹ In ch. 12 MG mentioned only the wife's right to leave.

¹⁰²² B: I 79; cf. K: 28.

¹⁰²³ Athanasius, *Canon 32* [= KH I, p.303]. Cf. ch.173 for unintentional killing by a priest.

¹⁰²⁴ See the Introduction for MG's oral sources.

¹⁰²⁵ Foreigners: *aylazgi*. Cf. ch.133 for this topic.

Chapter 171 ¹⁰²⁶

Concerning the statutes for murder by possessed or other witless people

"Question. If anyone being demon-possessed kills a man in his senseless state, when he has been purified of the demon should he do penance as a murderer, or how?

Answer. A little; because the act came from the evil [spirit]."¹⁰²⁷

Let it be the same for other deluded people.¹⁰²⁸ But in accordance with spiritual regulation, if they harm themselves or others let their overseers not be without penance.¹⁰²⁹ But this is not a case for secular¹⁰³⁰ judges.

Chapter 172 ¹⁰³¹

Concerning the statutes for women's infertility

"Question. If anyone abandoned his wife because of her infertility and took a wife able to bear, and seeks penance with that same wife, what should one do?

Answer. He is an adulterer."¹⁰³²

This statute is also written [above] as a matter for investigation.¹⁰³³ But let it be for the judges to respect the permission of the innocent one¹⁰³⁴ or the earlier judgment, and to leave us free of blame. Basil also pardons him.¹⁰³⁵

¹⁰²⁶ B: I 80; cf. K: 169a.

¹⁰²⁷ Athanasius: *Canon* 34 [= KH I, p.304]. From the evil [spirit]: *i č'arēn*, or perhaps: "from the Evil One [= Satan]."

¹⁰²⁸ Deluded: *mtaxab*, more common in an active sense; but *xelat'ap'*, "witless," [not used in classical texts] in the title. In his senseless state: *ar anzgayut'ean iwrum*.

¹⁰²⁹ Cf. above, ch.165.

¹⁰³⁰ Secular: *ēst marmnoy*, lit. "according to the body;" cf. p.5 for secular as opposed to spiritual law.

¹⁰³¹ B: I 81.

¹⁰³² Athanasius, *Canon* 59 [= KH I, p.315].

¹⁰³³ See chs.11 and 196. The topic is also discussed in Šahapivan, *Canon* 5 [= KH I, p.436-8], which allows separation; but in Post-apostolic Fathers, *Canon* 5 [= KH I, p.104], that is forbidden.

¹⁰³⁴ I.e. the wife's permission for her husband to marry another.

¹⁰³⁵ Torosyan, following Bastameanc', refers to *Canon* 3 of Basil [= KH I, p.336]; but that deals with rape, not a barren wife. There seems to be no exact parallel in those canons.

*Chapter 173*¹⁰³⁶

Concerning the statutes for priests and other unintentional killings

"Question. If any priest clears his field or garden and a stone falls from the wall and hits a man and he dies, what should one do [103] about the rank of priestly ministration? Or if likewise an unintentional killing befall any layman, how should one give penance?

Answer. He is a murderer. Let him do penance and not serve as priest."¹⁰³⁷

Likewise the one who dies after being struck by a *vardapet* for punishment in the customary way; likewise too the father [who strikes] his son, and other such.¹⁰³⁸ For example: A priest sends his servant express after the fleeing servant, but if in the throng he strikes him a blow with his horse and kills him, it declares he can stay in the priesthood;¹⁰³⁹ but here it deposes him or, because he was not a priest or it happened because of the crowd, it excuses him.

Similarly to this the Law teaches about involuntary murder,¹⁰⁴⁰ like the flying off of an axe, or something of that sort; for which it says one takes refuge in cities and is saved, which replaces a second death.¹⁰⁴¹

There is again voluntary and involuntary. When someone shoots an arrow at game or a wild beast, or in some other fashion, and it hits an enemy, at which he rejoices – that is a combination of the two. In that regard, in the statutes for kings, when a foreigner kills a Christian involuntarily, we have laid down the sentence as for a voluntary [murder],¹⁰⁴² because it is natural for them to rejoice at our death.¹⁰⁴³ So it is right for the one who confesses involuntary murder

¹⁰³⁶ B: I 82; cf. K: 28-29.

¹⁰³⁷ Athanasius, *Canon* 72 [= KH I, p.320-1]. Cf. ch.170 for murder by priests.

¹⁰³⁸ Cf. Athanasius, *Canon* 73 [= KH I, p.321]. See ch.233 for the right of a *vardapet* to strike his pupil – but moderately! – and of a father to strike a son, etc.

¹⁰³⁹ This is a combination of two statutes attributed to Athanasius: *Canon* 71 [= KH I, p.319-20], where the priest is to be deposed; and *Canon* 44 [= KH I, p.308], where he can retain his status if a man is killed by his horse in a crowd, but there is no reference to a fleeing servant.

¹⁰⁴⁰ Deut. 19.5; see further ch.233 below.

¹⁰⁴¹ Num. ch. 35, etc. By resorting to a "city of refuge" the life of the culprit is saved.

¹⁰⁴² Ch.2, esp. p.30. Foreigner: *aylazgi*.

¹⁰⁴³ Cf. ch.232 for Muslims rejoicing at the death of Christians.

to be corrected according to the canonical code. And if he falls into the hands of the judges, they are to judge accurately the voluntary and involuntary, and which is [a combination] of them both, and in that way to set the punishment. But you will learn the complete [details of] voluntary and involuntary from the canons of saint Basil.¹⁰⁴⁴

*Chapter 174*¹⁰⁴⁵

Concerning the statutes for those who kill in war

"As for the deaths which occur in battles, our fathers totally did not regard that as sin. Accordingly it seemed good to us to follow the same reasoning. But in order to purify one's hands it is good for such persons to abstain from communion for three years."¹⁰⁴⁶

This too did not enter [the code] under the Law. Here it speaks simply of abstention from communion. Let judges be instructed by this, and let no vengeance be taken.

[104]

*Chapter 175*¹⁰⁴⁷

Concerning the statutes for division among sons

"As for sons who do not obey their parents, whatever comes to them from their own property let them give it to them with love and let them settle them separately, [lest] perchance some evil may occur. And let them act similarly towards those who marry, because this is pleasing to God, since Paul commanded this in this manner."¹⁰⁴⁸

Perhaps it is the saying: "Fathers, love your children, etc."¹⁰⁴⁹ And by selecting this it wishes [parents] to act indulgently.¹⁰⁵⁰

¹⁰⁴⁴ Basil, *Canon 5* [= KH I, p.338-41].

¹⁰⁴⁵ B: II 92.

¹⁰⁴⁶ Basil, *Canon 8* [= KH I, p.341]. Cf. Basil, *Second set of Canons*, 2 [= KH II, p.101], where three years penance are prescribed, and also 97 [= KH II, p.124].

¹⁰⁴⁷ B: II 93.

¹⁰⁴⁸ Basil, *Second set of Canons* 27 [= KH II, p.107]. For Paul on marriage see Eph. 5.25-33.

¹⁰⁴⁹ his is not directly from Paul; but cf. Eph. 6.4 = Col. 3.21.

¹⁰⁵⁰ Indulgently: *nermamb*, often above in the sense of "by concession, dispensation."

*Chapter 176*¹⁰⁵¹

Concerning the statutes for eunuchs and the deformed¹⁰⁵²

"If anyone is a eunuch or deformed and marries deceitfully, when the wife has realised his action she is empowered to remain or to be released. If she is released, she may marry whomever she wishes. They will take half of his property and give it as fine to the church because of the dishonour to the marriage. And let him repent for three years."¹⁰⁵³

*Chapter 177*¹⁰⁵⁴

Concerning the statutes for those who consume church¹⁰⁵⁵ [property]

"If anyone consumes [property] of a church, let him repay fourfold. Otherwise, according to the canon let him do penance or give to the poor, if that is feasible."¹⁰⁵⁶

Let this be the statute for those persons.¹⁰⁵⁷

*Chapter 178*¹⁰⁵⁸

Concerning the statutes for conflagrations

"If anyone sets fire to just labours, let him be fined threefold. Otherwise, let him repent for ten years."¹⁰⁵⁹

This was also indicated according to the Law.¹⁰⁶⁰ [105]

¹⁰⁵¹ B: I 83; cf. K: 80b.

¹⁰⁵² Deformed: *marmnazeŭc*, lit. "corrupt of body;" cf. also ch.188.

¹⁰⁵³ Basil, *Second set of Canons* 44 [= KH II, p.111-2].

¹⁰⁵⁴ B: I 84.

¹⁰⁵⁵ Church: *teŭi*, lit. "place," as in the canons. This sense is not attested in the *NBHL*, but see Lampe, s.v. *topos*.

¹⁰⁵⁶ This is another composite of two canons: Basil, *Second set of Canons* 84 [= KH II, p.121], for fourfold restitution and penance; Gregory, *Canon* 7 [= KH I, p.246], for giving to the poor.

¹⁰⁵⁷ But in ch.44 and 75 a fivefold restitution is enjoined for misappropriation of church property.

¹⁰⁵⁸ B: II 94. Conflagration: *hrdeh*, as ch.77.

¹⁰⁵⁹ Basil, *Second set of Canons* 88 [= KH II, p. 122]; but there a fourfold fine is enjoined.

¹⁰⁶⁰ See ch. 77, quoting Ex. 22.6, for fires.

*Chapter 179*¹⁰⁶¹

Concerning the statutes for artisans who embezzle¹⁰⁶²

"Artisans who embezzle the property of others, let them repay fourfold. Otherwise, let them do penance in accordance with the *vardape's* bidding."¹⁰⁶³

It means the one discovered and taken to court is to pay compensation, those who are able to. Those who do not have the means and those [who do it] in secret, are to do penance.¹⁰⁶⁴

*Chapter 180*¹⁰⁶⁵

Concerning the statutes for the division of inheritance among sons and daughters

If anyone dies and has sons and daughters, let them settle the parents' possessions equally as one brother's portion among two sisters. In accordance with the Law we earlier wrote down this rule, and stated that a daughter at home will receive a son's portion; while those who are married, two that of one brother. This was not clearly expressed by the Law,¹⁰⁶⁶ and in this regard the canonical statute does not make the distinction, nor do the heathen distinguish them. But I know this reliably from the facts,¹⁰⁶⁷ that a daughter leaves her father's house with a dowry, and whoever is still at home is without a dowry.¹⁰⁶⁸ So to bestow on them an equal share after the father's death is not just, because in this way the married daughters are found to have received an [equal] portion with their brothers, while those at home [receive] half.

¹⁰⁶¹ B: II 95; cf. K: 145, 147.

¹⁰⁶² Who embezzle: *yap'stakot*, used above of pillage, e.g. ch.120. Artisan: *arueta-wor*, as p.148, used by MX, I 16, of the "skilled" craftsmen employed by Semiramis.

¹⁰⁶³ Basil, *Second set of Canons* 105 [= KH II, p. 126], which adds "let them be excommunicated" before "repay fourfold."

¹⁰⁶⁴ In secret: cf. ch.86, for crimes committed in secret where a fine cannot be levied.

¹⁰⁶⁵ B: II 96.

¹⁰⁶⁶ Num. 27.1-11; see MG's previous discussion, ch.101-4.

¹⁰⁶⁷ See the Introduction for MG's sources.

¹⁰⁶⁸ Dowry: *bažin*, lit. "share," the double meaning being essential for the sense of this chapter. Cf. p.64-5.

Now if anyone were to say that it is an expense for the sons to marry wives, it should be known that as much as the expense is, it is that much labour,¹⁰⁶⁹ and since he is a male a portion came with his wife. Accordingly, it seems justified that the married [daughters] should receive a half, and those at home be reckoned with the sons. In this way there will be equality for all, and the weak family will be taken care of and not diminished; for many parents honour their daughters more – and that by foresight, because it is easier for sons to survive than daughters. This we have made clear, because although the same circumstances may occur, yet the judges may choose that all daughters should have one half, or according to the judgment as written above.

Likewise I reckon this the law in cases when it often happens that a daughter is married twice. For these let this be sufficient for their share of the division, namely the expenses spent on her in proportion to the parents' possessions. Otherwise, let equality be seen; but let the share of what were received be sufficient. Let the sons and daughters from a second marriage have a lesser share of the division, as has been written.¹⁰⁷⁰

They are accustomed to give the father's house to the younger son. But let it be investigated whether he is worthy to hold the place of his father. And let the elder have the honour, as has been indicated;¹⁰⁷¹ accordingly, if the inheritance will be divided equally among the sons, for the sake of honour let [his] be more. [106]

*Chapter 181*¹⁰⁷²

Concerning the statutes at what ages offspring should be reckoned as heirs

The divine legislation and the canonical rule include the formed foetus in the code pertaining to blood;¹⁰⁷³ and that because it dealt with the offspring being unharmed. But as for being an heir, al-

¹⁰⁶⁹ MG probably refers here to the bride-price, *varjank'* [cf. ch.184], to raise which the man has to work, rather than to the expenses of the ceremony. These are called "voluntary" in ch.182.

¹⁰⁷⁰ Ch.102.

¹⁰⁷¹ Ch.111.

¹⁰⁷² B: II 97.

¹⁰⁷³ Foetus: *sałmn*. See ch.62 above: if a fully formed foetus is aborted because the mother is hit, the penalty is a life for a life, as Ex. 21.22.

though the disciples of Muhammad in their foolish philosophy speak of the stars indicating the child,¹⁰⁷⁴ yet for us let the saying of the Lord be reliable: "She does not recall the pain because of the joy that a man was born into the world."¹⁰⁷⁵ And again: "That born from flesh is flesh."¹⁰⁷⁶ A body born from flesh will be an heir, as those born of God are God's.¹⁰⁷⁷

Now if a woman happens to be pregnant at the death of her husband, let the judges be considerate of the child and thus confirm the inheritance at birth. And if on the same day on which he was born [the father] should die, the child is the heir. From the child others will inherit, and not from the father.

If the mother of the child should die, either at the birth or after the birth, even if she dies on that same day the child is heir of the mother, and the father inherits from the child.

According to what has been said, sons and daughters will be heirs. But if there are none, let whoever [the testator] wishes inherit, a relative or a servant or a friend. For he¹⁰⁷⁸ is entitled to make such people heir.

But after death, if he himself did not establish [an heir], the relatives from the family and not distant ones inherit, just as this was decreed according to the Law.¹⁰⁷⁹

Chapter 182¹⁰⁸⁰

Concerning the statutes for crippled children

If a child happens to be crippled so that it has no mind or understanding at all, it is not an heir because it understands nothing whereby it could make use of the patrimony; for it was like this from birth. But if the condition should have occurred later, and it is thought that it may be cured, let them hand over [the patrimony] to other heirs. If they do recover, they inherit; but if not, let those who inherit take care of [the crippled child] until death.

¹⁰⁷⁴ See the Introduction for other references to Islam and astrology.

¹⁰⁷⁵ Jn. 16.21.

¹⁰⁷⁶ Jn. 3.6.

¹⁰⁷⁷ Based on Rom. 8.17, Gal. 4.7.

¹⁰⁷⁸ Or she: Armenian has no grammatical gender

¹⁰⁷⁹ As discussed in ch.101, based on the OT.

¹⁰⁸⁰ B: II 98. Crippled: *hasmeal*, usually of a physical rather than mental disability.

But if it is affected in some other way, lame, or blind, or demon-possessed but not devoid of sense, or a leper who is not completely disfigured, or a paralytic with understanding, and other such persons who are capable with other servants to inherit patrimonies – let these not be deprived of being heir. [107] But let the incapable be cared for by other heirs until death, as indeed has been shown.¹⁰⁸¹

We recognise this as a legal statute for those persons. For also according to the Law the pure among animals came up to the altars of God as an offering, but the blemished were sacrificed for the public.¹⁰⁸² Likewise let the pure in soul and body among mankind be an offering to God and heirs; but the blemished of mankind are not to be disdained as heirs.

*Chapter 183*¹⁰⁸³

Concerning the statutes for wills

A will is to be made as the canons instruct.¹⁰⁸⁴ After three days of illness let the sick one summon the priests and clerics of the church, and with three witnesses let him make his will and [allocate] all the possessions of his house; and let him speak about his soul and his burial according to his pleasure. If on that same day he happens to die, let the will be confirmed, unless he was deprived of his wits. It is not invalid, as those learned [in the law] of Muhammad say,¹⁰⁸⁵ a will being confirmed [only] after the sick person has survived for forty days.

But a secure will is made in health, although what has been said is not to be disdained, because the former is [the will] of a willing person, but the latter is seen to be dubious.¹⁰⁸⁶

If it happens that the sick one recovers and changes the will, let him be authorised, because a will is [only] valid after death according to the apostle.¹⁰⁸⁷ But a covenant made to God will remain in force

¹⁰⁸¹ See chs.165, 171.

¹⁰⁸² See Leviticus and Deuteronomy *passim* for only pure animals being offered to God; the blemished may be eaten, as Deut. 15.21-22..

¹⁰⁸³ B: II 99; cf. K: 113.

¹⁰⁸⁴ Will: *ktak*; there is no directly relevant text in the Armenian *Kanonagirk'*. The Syro-Roman code begins with this subject, but it was not a source for MG.

¹⁰⁸⁵ Cf. ch.181 for Muslim rules.

¹⁰⁸⁶ Dubious: *xaʾn*, lit. "mixed."

¹⁰⁸⁷ Heb. 9.17; cf. also ch.2, p.28 above.

until he carries out what he said by word of mouth in his affliction, and according to the saying: "Make vows and carry them out."¹⁰⁸⁸ Whatever may be appropriate to carry out when he recovers, let him perform. And whatever after death is without prejudice, let them carry out later. If he alters anything of what was vowed, let it be allowed for an increase and not for less. This statute is very appropriate for that.

Chapter 184¹⁰⁸⁹

Concerning the statutes as to how it is right to treat funeral rites

If a husband and wife have lived together for a long time, and have begotten children among whom there is no distinction of property, from the totality of the possessions let the funeral rites be paid.¹⁰⁹⁰ But if clearly [some] property appears the wife's, let it go to her heirs. If he is capable, let the husband pay the funeral expenses;¹⁰⁹¹ but if he is not, [let them be deducted] from her own property, and let it not be [added] to the husband's inheritance.

If the wife happens to be infertile and they have been together a long time, let the funeral expenses be the husband's; and let them not be part of the husband's inheritance. Let those who are [108] the wife's [relations] inherit. But if the wife lived a short time and died without marriage,¹⁰⁹² let [the expenses] be from her own [possessions], and the husband does not inherit. But if a son or daughter has been born, whether they are alive or dead, let the husband pay the funeral rites and have a part of the inheritance.

Let these [rules] be the same model for a first and a second marriage.

¹⁰⁸⁸ Ps. 75.12. Cf. David, *Penitential*, ch.87, for vows, *uxt*. Here MG confuses the issue by using *ktak* for "covenant" as well as "will."

¹⁰⁸⁹ B: I 85; cf. K: 114.

¹⁰⁹⁰ Funeral rites: *mereloc'*, the commemoration "of the dead," as in Vač'agan, *Canon* 5 [= KH, II, p.94].

¹⁰⁹¹ Funeral expenses: *mereloyt'k'*, not found in the *Kanonagirk'*.

¹⁰⁹² Marriage: *amusnut'iwn*, the state of marriage [i.e. acting as a spouse, *amusin*], not the ceremony. Bastameanc' notes that after the religious ceremony, *psak*, the couple might not have sexual relations for several days, until the priest performed the ceremony of "removing the crown." Cf. p.75 for virginity immediately after marriage.

Now when the husband dies, let all the aforesaid funeral rites come out of his own property.

If they have begotten sons and daughters, he inherits from his wife, and the wife from his [possessions]. But he does not inherit from an infertile [wife], save a small token part. But an infertile wife inherits from her husband because of her management of the house.

If the husband dies soon and his wife remains a virgin, she does not inherit from her husband. But if she has begotten offspring, whether they are alive or dead, she inherits from her husband, even if they were but a short time together.

Worn-out clothes are not recorded in the divisions of both sides, except for what was shared; likewise their mutual gifts, if they are worn out. But gold and what is immoveable,¹⁰⁹³ these will be judged and settled according to the law.

The expenses of the marriage¹⁰⁹⁴ likewise do not come into the reckoning, because that was voluntary.

As for what is proper, let the judges investigate legally according to circumstances and the custom of the province,¹⁰⁹⁵ because the statutes which we have set down are really conjectural.¹⁰⁹⁶ But if the conjecture is outside the true law, the correction is to return to the laws – with the sole proviso that [the judge]¹⁰⁹⁷ may pardon us in a friendly way, and forgive what is lacking and fulfil what is incomplete through strict investigation.

*Chapter 185*¹⁰⁹⁸

Concerning the statutes for deceit in commerce

"If anyone gives anything faulty¹⁰⁹⁹ of his own to his fellow on the pretext of trade, and by deceit defrauds and cheats him by a false oath, and he congratulates himself for defrauding his fellow, let him be anathematised."¹¹⁰⁰

¹⁰⁹³ Immoveable: *kayun*, as opposed to "moveable, *šaržun*," property, as on p.119.

¹⁰⁹⁴ Marriage: *harsanik'*, the ceremony. Cf. ch.180 for the expenses, *caxk'*, incurred by the man.

¹⁰⁹⁵ Note the local character of traditional Armenian law.

¹⁰⁹⁶ Conjectural: *karceawk'*, "supposition."

¹⁰⁹⁷ There is no subject to this sentence, which has a singular verb.

¹⁰⁹⁸ B: II 100; cf. K: 111.

¹⁰⁹⁹ Faulty: *aratawor*, "blemished," as of animals in ch.182.

¹¹⁰⁰ MG returns to Basil, *Second set of Canons* 201 [= KH II, p. 155].

Lest such merchants fall into anathema, let us set down the statutes for them. To give something faulty is of the following [sorts]: if it is a butting [bull], or there is some blemish in its behaviour or its body; or if it is the sale of inanimate things, and such an object has a fault; or it has done some harm. By the statute one must sell it back to the seller, because the Law commands to remove it and not to sell it.¹¹⁰¹ If it is [faulty] in some other way, and it comes to light either in his boasting or there are witnesses that he was knowing and sold it, let it be returned. But if it pleases the buyer, let it be rectified as much as it is worth. If he was not aware and sold it in ignorance and the buyer has compunction, it is right to exact repentance. [109]

When selling something faulty, let him declare everything, as did Epiphanius in selling the refractory donkey.¹¹⁰² And knowing that it will not be a cause of harm for the buyer, let him sell it at their pleasure for as much as it is worth. Thus he will be freed from canonical anathema. Otherwise, let his penance be with the thieves and pil-lagers.¹¹⁰³

Chapter 186¹¹⁰⁴

Concerning the statutes for false witnesses

"If a false witness comes and casts someone into the pitfall of death or flagellation,¹¹⁰⁵ let him remain for five years¹¹⁰⁶ with the penitents¹¹⁰⁷ and one year under discipline by gifts to the needy; then let him be worthy of communion."¹¹⁰⁸

¹¹⁰¹ Ex. 21.29, as ch. 65 above.

¹¹⁰² See the Armenian *Life of Epiphanius of Cyprus*, in *Liakatar Vark'*, III, p. 211: Epiphanius's widowed mother sent him as a child to sell their donkey. In his simplicity he admitted it was stubborn, *stambak* [*xerabaroy* in MG], and feared it might harm the buyer [as MG]; whereupon it knocked him to the ground.

¹¹⁰³ See ch. 120, 179.

¹¹⁰⁴ B: II 101; cf. K: 160.

¹¹⁰⁵ Flagellation: *gan*, "beating." But the canon reads *tugank'*, "fine."

¹¹⁰⁶ Five: Seven in MS G and in the canon. In Armenian characters the two numbers are easily confused.

¹¹⁰⁷ Penitents: *unkndir*, lit. "one who pays heed." This is a frequent expression in the *Kanonagirk'*, often associated with "discipline." See, for example, Šahapivan, *Canon* 5 [= KH, II p.436-7]. Cf the sense in Greek of "hearing" for "penitent," and also for "catechumen;" see Lampe, s.v. *akroaomai*.

¹¹⁰⁸ Basil, *Second set of Canons* 202 [= KH II, p. 155].

This statute was imposed in accordance with the Law;¹¹⁰⁹ but our canon [law] now repeats it. It says "into the pitfall of death or of flagellation," but not that he dies, or that he is freed by a fine.¹¹¹⁰ For these let it be the statute that he repay as much as he caused harm, in accordance with the saying: "As he planned to do, let it be done unto him."¹¹¹¹ Now if he cannot [repay], let him do penance according to the rule of the canons.

*Chapter 187*¹¹¹²

Concerning the statutes for a virgin and a bigamist

"Now if one is a virgin and one a bigamist,¹¹¹³ and the one dies, it is impossible [for the other] to marry. If anyone so presumes, let the repentance be that of a thrice married person, and let the priest be deposed."¹¹¹⁴

It is doubtful if this canon is saint Basil's. If it is his, it is impossible for this to be canonical. But we after study have recognised it as such by dispensation,¹¹¹⁵ so that the double repentance of the bigamist might apply to such persons.

It is necessary for the priest to teach this canonical rule, lest he be condemned for partiality.

We have recognised this to be the judgment for those persons.

*Chapter 188*¹¹¹⁶

Concerning the statutes for betrothed women

"If a woman is betrothed and the priest has confirmed it with two or three witnesses, [the fiancé] cannot abandon her and take another to wife, except because of fornication or deformity."¹¹¹⁷ [110]

¹¹⁰⁹ See ch. 108 above, based on Deut. 19.15-19.

¹¹¹⁰ Fine: But see n.1105 above for the actual reading of the canon.

¹¹¹¹ Deut. 19.19, not quoted exactly.

¹¹¹² B: I 86.

¹¹¹³ Bigamist: *erkak*; but the canon has *ayri*, "widow." There are no variants in either text. Cf. ch.143 for bigamy.

¹¹¹⁴ Basil, *Second set of Canons* 208 [= KH II, p.157].

¹¹¹⁵ Dispensation: *nerumn*, as often above.

¹¹¹⁶ B: I 87; cf. K: 87.

¹¹¹⁷ Basil, *Second set of Canons* 209 [= KH II, p.157]. Deformity: *marmnazetcut'iwn'*, cf. ch.176.

A woman betrothed with a priest and witnesses is pledged.¹¹¹⁸ But in the case of fornication he is authorised to marry her or not, because the transgression was not in his house. To be deformed is to be corrupted in the body, to have incurable wounds. In this case he is authorised to marry her or not with the expectation of healing. But for other causes it is not right to abandon the betrothed.

*Chapter 189*¹¹¹⁹

Concerning the statutes for men and women who are unhealthy

"A woman or man who is sickly or unhealthy or a sodomite they shall not allow to marry and dishonour the crown of blessing. If anyone so presumes, let him give half of his possessions to the church,¹¹²⁰ and do penance for three years."¹¹²¹

It says this concerning those debilitated in illnesses, so that first they may recover; or concerning spiritual [sicknesses], so that they may devote their attention to that; and concerning sodomites and bestiality,¹¹²² lest for that reason they forget penance, and so that with the passage of time they might be purified.

*Chapter 190*¹¹²³

Concerning the statutes whether the syphilitic,¹¹²⁴ lepers, the lame, blind, deaf, or dumb may marry or not

I shall now set down the statute for these, whether they can marry or not. We have learned from the canons concerning adultery that for those with syphilis their offspring likewise have syphilis, so for that reason they are to be prevented [from marrying], lest the disease spread among their offspring.¹¹²⁵

¹¹¹⁸ Betrothed: *xawseal*, lit. "bespoken." Pledged: *erasxaworeal*; cf. ch.58 for pledges. MG notes, p.112, that the couple have to see each other before marriage can proceed. The ritual of betrothal is far more detailed in the Syro-Roman code, §57-8.

¹¹¹⁹ B: I 88.

¹¹²⁰ To the church: in the canon "to the poor."

¹¹²¹ Basil, *Second set of Canons* 110 [= KH II, p.157].

¹¹²² The canon does not mention bestiality, but the two crimes are often linked by MG, e.g. ch.12.

¹¹²³ B: I 89; cf. K: 93.

¹¹²⁴ Syphilitic: *uruk*; see ch.7 for the translation of this word.

¹¹²⁵ Cf. Post-apostolic Fathers, *Canon* 11 [= KH I, p. 106-7], which treats of adultery with such persons. MG does not quote directly, but that canon states that the

Let lepers also be prevented [from marriage]. For although it is said by doctors that diseases from which odour emanates are contagious, yet it does not occur among lepers since it occurs among those with syphilis because of wounds, and there there is no wound.¹¹²⁶ Nonetheless the canons showed the disease to be contagious. So lest the disease occur among their offspring, let them be prevented [from marrying]; and also because the Law denies them not only marriage, but also the camp.¹¹²⁷ And if anyone says the Law is a symbol, yet it was a separation according to the body, just as now for the above-mentioned cause.

But a lame person may marry,¹¹²⁸ if he is not entirely paralysed so that there may be an impediment to marriage or to a profession¹¹²⁹ or to other necessities. Let this be the case for a man, and likewise for a woman.

Now as for the blind in both eyes, a woman may not marry because it is impossible for her to nourish her children or minister to them in any other way. But for a man, if he is patient, it is fine. If he is capable of caring for wife and house, [111] either through the property of his ancestors, or through some other means, it is permitted because of another peril.¹¹³⁰

Now a deaf woman, if she is prudent, and someone agrees to marry her, may do so. Likewise also a man.

But a dumb person, either man or woman, is reckoned among the animals.¹¹³¹ They are not allowed to marry.

I reckon this judgment for these people to be right. If anyone

offspring will also have the disease. There are many references in the *Kanonagirk'* to diseases, but not to contagion, *p'oxil*, lit. "transfer."

1126 MG implies that lepers, *borot*, do not have open wounds, unlike those with syphilis, *urkot*.

1127 Lev. 13.46. Camp: *banak*, i.e. association with one's tribe.

1128 Lame person: not in the *Kanonagirk'* with regard to marriage. That collection is more concerned with such afflictions as impediments to ordination, e.g. Basil, *Second set of Canons* 24 [= KH II, p.107].

1129 Profession: *aruest*, "art," the profession of an artisan.

1130 Peril: i.e. incontinence and fornication if he does *not* marry; see I Cor. ch.7, esp. vv.26, 37.

1131 Dumb: *hamr*. The only reference in the *Kanonagirk'* is to a dumb man not being allowed to be ordained. See n.1128 above. Animal: *anasun*, lit. "not speaking." The association of ideas is more directly obvious in Armenian than in Greek, where *a-logos* has a wider spectrum of meanings.

else, having accurate sight, should blame this, I am undisturbed in my opinion, because the sentence of not a single statute is overturned, or of the canonical rules which are adduced in these matters as a statute or having the same force as a statute. But I have repeated at our own choice also [the rule] of the canons. For if it be thought against us, honouring the saying of the saints in that regard do you seek forgiveness for me from them. I am not so proud that I would have dared to set down a meaning which I have not taken by dispensation or from another. If anyone be thought proud, let him be so reckoned; but let him be judged only by choosing what is useful. And I indeed follow that counsel, not criticizing, but being grateful and giving praise.

Chapter 191 ¹¹³²

Concerning the statutes for other¹¹³³ betrothed women

"If a woman is betrothed to someone and before the girl enters the church evil deeds are revealed, the man is allowed to marry her or not. But if she has entered the church, he will not be allowed to divorce her; and if he does dismiss her, she will be called a widow, and will do penance for three years."¹¹³⁴

In another chapter it bids leaving the betrothed because of fornication;¹¹³⁵ but here, because of having entered the church, not [to dismiss her]. If she has begotten children, he will be allowed to leave her because of fornication; but here it speaks of honouring the church. Now the crown is not imposed outside the church. And because she is not in the house of her husband, sobriety is required in the present matter. But if her way of life returns to the same, he is then allowed to leave her.

Chapter 192 ¹¹³⁶

Concerning the statutes for the marriages of young persons¹¹³⁷

"Let no one be allowed to marry young persons before they reach maturity and know their own wishes. And if anyone presumes to do

¹¹³² B: I 90; cf. K: 87.

¹¹³³ Other: *aylazg*, "other kinds of," referring back to ch. 188 and licentious women.

¹¹³⁴ Basil, *Second set of Canons* 211 [= KH II, p. 157-8]. The woman is then free to marry again. Cf. ch. 30 for slander that a woman is not a virgin at marriage.

¹¹³⁵ I.e. ch. 188, referring to Basil, *Canon* 209 [= "it"].

¹¹³⁶ B: I 91; cf. K: 88.

¹¹³⁷ Young persons: *day*, usually of a male youth. See p. 12 for the age of maturity.

so, let him be expelled from the priesthood and pay a fine of one hundred *dram* to the church. When a young person has reached maturity, let him¹¹³⁸ marry whom he wishes."¹¹³⁹ [112]

As it declares in another canon,¹¹⁴⁰ they are not to be married without seeing each other. Because it is unclear whether they totally do not wish to marry, or are not agreeable to each other, it bids not to marry. But if it takes place, and on reaching maturity [one party] does not so wish, [the statute] makes it invalid¹¹⁴¹ because of the unwilling condition. May this statute be agreeable to the church of God.

*Chapter 193*¹¹⁴²

Concerning the statutes for those who have been nourished by the milk of the same mother

"Question. Those nourished by the milk of the same mother who are unrelated to each other, when they reach maturity are they permitted to marry?

Answer. It is not right, because the parent and the wet-nurse are reckoned as one."¹¹⁴³

*Chapter 194*¹¹⁴⁴

Concerning the statutes for those who alter boundaries

"Question. How is it [for] the one who usurps the boundaries of his fellow?

Answer. As Moses wrote in the Law by God's command,¹¹⁴⁵ curses will descend on their heads, and they will be anathema¹¹⁴⁶ in life and in death."¹¹⁴⁷

¹¹³⁸ He: or, "she." Note again that Armenian has no grammatical gender.

¹¹³⁹ Basil, *Second set of Canons* 219 [= KH II, p.160-61].

¹¹⁴⁰ The same subject is discussed in Sahak, *Canon* 27 [= KH I, p.382], and Nerses and Nersapuh, *Canon* 24 [= KH I, p.487].

¹¹⁴¹ Invalid: *anvtang*, lit. "without risk, danger," which makes little sense here. The canons cited in the previous note indicate that such unwilling marriages bring *vnas*, "harm." Invalid" would be *anvawer*, as in ch.198, p.115, line 7.

¹¹⁴² B: I 92.

¹¹⁴³ Thaddaeus, *Canon* 30 [= KH II, p. 39]. MG adds no personal comments; cf. ch.176.

¹¹⁴⁴ B: II 102; cf. K: 143.

¹¹⁴⁵ The reference is to Deut. 27.18, which reads: "Cursed is he who will change the boundaries of his fellow." The canon [followed by MG] changes to "usurps,

Let those who usurp boundaries hear this and be terrified; for it is a divine statute. If there arise any dispute over fields, let it be resolved through witnesses, because I think this to be more reliable than for someone to hold up a Cross or Gospel; because often there is fraud, and because there is an oath for this in a manner which was forbidden.¹¹⁴⁸ If the dictate of the statute is carried out in this way, let the bearer of the cross not be a witness, and let there not be an oath; it was two [witnesses] according to the Law.¹¹⁴⁹ But we say this not giving a command, as we wrote earlier with regard to the oath;¹¹⁵⁰ but we wished to make clear that if anyone does these things the details of the code decreed, as was shown, that it [the cross] has the place of two witnesses. And if this occurs, let him carry out the penance as was indicated in the section on oaths. [113]

Chapter 195¹¹⁵¹

Concerning the statutes for those who repudiate their wives

"If anyone leaves his wife, the mother of children, without cause of fornication or witchcraft,¹¹⁵² or if there is no bad blemish in her body, or if the husband is adulterous and has an eye on another, this is to be the statute. The children, the property, the house, the land, the water, and everything they are to divide between them and give half to the girl.¹¹⁵³ And if the woman wishes to bring [back] the man¹¹⁵⁴ in to the house to herself, let her freely bring him. They will hold [each] their share, and pay in full the royal tax. And the husband who abandoned [his wife] shall do penance for seven years and pay a fine to the church. If he is a noble, three hundred *drams*; and if he is a peasant, he will be beaten and be fined a hundred *drams* to the

yap'stakot," lit. "pillages," as above chs.120, 179, 185; but in the title MG retains the biblical text.

1146 Anathema: *nzoveal*, but *aniceal*, "cursed," in the biblical text.

1147 Thaddaeus, Canon 32 [= KH II, p. 39].

1148 See MG's *Introduction*, ch.8, for oaths of which he disapproved.

1149 See ch. 108: two or three witnesses.

1150 See MG's *Introduction*, ch. 8.

1151 B: I 93.

1152 Witchcraft: not in this canon, but no.8. For the subject cf. ch.145.

1153 Girl: *afjik*, for the "woman, wife," *kin*, of the canon.

1154 The man: the canon reads *ayr*, "a man," i.e. a different man. But MG has *zayrn*, "the man," i.e. her husband, which totally changes the meaning.

church in return for despising the marriage that was blessed.¹¹⁵⁵ But if while they are in litigation and subject to the fine,¹¹⁵⁶ some woman presumptuously becomes the wife of the one who left his [first] wife, and a year has not passed, it is clear that she made him abandon his first wife. Let them seize the woman and put her in a lazar-house,¹¹⁵⁷ and for a year let her grind [flour] for the lepers. If she is noble and does not enter the lazar-house, let her give a hundred *drams* as fine to the lepers."¹¹⁵⁸

Once and twice we set down this statute,¹¹⁵⁹ and again here too, so that I may free myself from suspicion of opposition to the canons and may state the additions to each of the rules, appropriately in this canon too with the others. It bids to expel the husband from the house and to bring another inside, which is an excess of chastisement.¹¹⁶⁰

Chapter 196¹¹⁶¹

Concerning the statutes for a barren woman

"If someone marries a wife and she happens to be barren, and the husband dismisses her because of her infertility, whatever property the woman brought to the house, whether maid-servant, or animal, or clothing, or silver, she is entitled to take and depart. If, other than infertility, there be no other blemish in the woman, let him also give a fine to his wife because of the dishonour: if he is a noble, one thousand and two hundred *drams*; and if a peasant, six hundred *drams*. However if, while they are still in litigation and subject to the fine, and a year has not passed, and some woman is presumptuous and becomes the man's wife, let them arrest the woman and take her to a lazar-house, because it became clear that she was the reason for the wife's dismissal. For a year let her grind [flour] for the lepers and remain in domestic

1155 The contrast between "noble," *azat*, and "peasant," *šinakan*, regarding fines is only made in the Canons of Šahapivan; see also chs.196, 197, 198.

1156 In litigation and subject to the fine: *i payk'arin ew i tuganin*. In the next chapter *datastan*, "judgment," is used for *payk'ar*, lit. "struggle."

1157 Lazar-house: *awrkanoc'*, which is mentioned several times with regard to divorce: chs.10, 30, 145, 146, 191.

1158 Šahapivan, Canon 4 [= KH I, p. 435-6].

1159 Cf chs.6-18 for separation of married persons.

1160 Chastisement: *sast*, as at the end of ch.205. Is MG being sarcastic?

1161 B: I 94. For sterility see also ch.11. where separation is not allowed without the wife's permission.

service,¹¹⁶² and let them take for the church a hundred *drams* as fine in compensation for the fact that the original marriage was despised because of her. But if she is a noble and does not go to the leper-house, let her give one hundred *drams* to the lepers.

Now if the husband had previously decided that: "I shall leave my own [wife] and take you," or he has been allured through fornication, [114] the husband shall give a hundred *drams* as fine to the church; and the penance for the man shall be three years with the penitents,¹¹⁶³ and one year under authority, and [then] he may enter the church. On the one who abandons the mother of children without [reason of] fornication or other blemish, as punishment for husband or wife this canon imposes a fine and penance."¹¹⁶⁴

As long as it was valid and appropriate we too set down the statute for this,¹¹⁶⁵ and those in the canons, and that too we confirmed, so that it might be easy for judges to give just verdict accurately on both sides. Because [there] we set down briefly the statute for each side, we left the penance to the canons. This we have now declared so that you may know that in all statutes where penance is necessary, we have left a refuge in the canons.

Chapter 197¹¹⁶⁶

Concerning the statutes for wives who abandon their own husbands

"If any wife leaves her husband, let them arrest her and give her back to her husband, and especially the one whom he acquired with a bride-price¹¹⁶⁷ and not like a prostitute.¹¹⁶⁸ Although he may sell¹¹⁶⁹ her or hold her in domestic service, if desired let her be held with spiritual and good admonition and love. But if the husband is of evil morals or a fornicator, or a reveller and a drunkard, or depraved in

1162 Domestic service: *ataxnut'iwn*, the abstract noun from *ataxin*, "maid-servant."

1163 Penitents: *unkndir*, ch. 186, n.1107.

1164 Šahapivan, *Canon* 5 [= KHI, p. 436-8].

1165 Chs. 11, 172, where no penance for barrenness is prescribed.

1166 B; I 95; cf. K: 89.

1167 Bride-price: *varjank'*; cf. MG's Introduction, ch. 9, nn.231, 234.

1168 Like a prostitute: *bozabar*. This adverb is not attested elsewhere according to the NBHL. *Boz* is not found in the A recension of the *Datastanagirk'*, but appears in recension G in ch. 15 for "concubine," *harč*; and *bozut'iwn* appears in ch.8 of MG's Introduction for the "adultery," *šnut'iwn*, of recension A.

1169 He may sell: *vačatic'ē*.

some other fashion, let them reprove the husband by means of a beating and admonition, and bring them both into subjection. If he is a noble, let them bring the husband to order by a fine and admonition. Then if the husband reforms,¹¹⁷⁰ his wife should serve him."¹¹⁷¹

If for such a reason the wife should leave her husband or not, we have indicated this¹¹⁷² with scruple because of the fear of very great harm. Likewise by canonical command we were encouraged to set down this statement of the holy [fathers], because it bids to admonish the wicked wife and husband.

Let us make it clear that our wishes are not opposed to the will of the canons. But if other judges should wish to take something from our [code], let him take; otherwise, let the canons remain firm.

*Chapter 198*¹¹⁷³

Concerning the statutes for abductions

"As for those who commit abductions, let them take the woman and give her back to her father and mother. And they shall pay a fine for the dishonour: if he is a noble, one thousand and two hundred *drams*; if a peasant, six hundred. Those who went as a band¹¹⁷⁴ and as supporters of the false groom, shall give a hundred *drams* as fine for the man; [115] and they shall give half the money of the band to the church and half to the needy. But if the false groom has committed fornication with the girl without a marriage ceremony,¹¹⁷⁵ let them keep a hundred *dram* as fine for the church, because he dishonoured the crown of blessing; and let him remain in penance for three years.

Now if some priest secretly performs a ceremony without [the consent of] the girl's father and mother, the priest is not authorised to carry out his priesthood.¹¹⁷⁶ Let them take a hundred *drams* as fine and distribute it to the needy; and the crown which he placed shall be

¹¹⁷⁰ Reforms The canon reads *diwrap'oxi*, which would normally mean "is easily turned," i.e. "inconstant." The *G* recension explains as "turns to the good." But the text here in *A* reads *diwap'oxi*, which is unattested in the *NBHL* but might mean "turns demonic." I take it as a misprint for *diwrap'oxi*.

¹¹⁷¹ Šahapivan, *Canon 6* [= *KH I*, p.438].

¹¹⁷² See ch. 12.

¹¹⁷³ B: I 96. For abductions see also ch.53.

¹¹⁷⁴ Band: *hros*, often used of a raiding force.

¹¹⁷⁵ Marriage ceremony: lit. "crown," the religious ceremony.

¹¹⁷⁶ Cf. the concerns of Nersēs Šnorhali, *Encyclical*, pp. 132-4.

invalid.¹¹⁷⁷ If after this trouble and fines they come to agreement with the consent of the girl and of the parents, and they have previously committed fornication, let a crown not be blessed; but, as for a second marriage, let them place a laurel signed with a cross¹¹⁷⁸ on their heads. But if they have remained virgins, let it be blessed in the [normal] manner. Whether they are noble or peasant, this canon shall stand."¹¹⁷⁹

Although this statute has been set down in a different fashion,¹¹⁸⁰ yet here it was very fully elaborated; for which reason we were encouraged to write this also, so that the circumstances for these might be indubitable for the judges, and they might impose the fines by comparing the occasion and the ability [to pay].

Let bishops learn now that the fine of a fornicator is commanded [to be given] to the poor. There is a difference between [the fines] of these and of others, which judges now take upon themselves; these are bishops,¹¹⁸¹ of whom it was right to stand in awe and respect. For it is done for the sake of propitiating transgressions, and they remain now unpropitiated.¹¹⁸²

Chapter 199¹¹⁸³

Concerning the statutes for arch-priests¹¹⁸⁴

"Let priests not vie with each other through ambition, because the primate¹¹⁸⁵ in the church is the one whom God's grace has chosen as first in priesthood."¹¹⁸⁶

It says this of those who desire the first rank. It is right by statute that the first anointed be the foremost if he is proficient.¹¹⁸⁷ But if he

¹¹⁷⁷ Invalid: *anvawer*; cf. ch.192, n.1141.

¹¹⁷⁸ Laurel signed with a cross: *ur tearnagreal*, as also for the same situation in Canon 3 [= KHI, p.435].

¹¹⁷⁹ Šahapivan, Canon 7 [= KHI, p. 439-40].

¹¹⁸⁰ I.e. in ch.53, which is very short and has no reference to money for the poor or the church.

¹¹⁸¹ For bishops replacing [secular] judges see above, ch. 1.

¹¹⁸² Another reference to the lawlessness of MG's own time, for which see ch.202.

¹¹⁸³ B: I 97; cf. K: 30.

¹¹⁸⁴ Archpriest: *awag erēc'*; cf. the *glxawor k'ahanay* of ch. 200-201.

¹¹⁸⁵ Primate: *naxagah*, lit. "in the first rank or seat," equivalent to the Greek *proedros*. It is widely used in Armenian in a secular sense. The text in KH has *nax-a'tor*, "in the first seat or throne;" cf. the Greek *prokathēgoumenos*.

¹¹⁸⁶ Nersēs and Neršapuh, Canon 10 [= KHI, p. 482].

¹¹⁸⁷ Proficient: *ya'rajadēm*, as above, ch. 2, n.287.

is not, let them appoint as leader the one whom the others have chosen with the agreement of the bishop, so that he may fill the church with good order, especially if he is testified as hospitable.¹¹⁸⁸

*Chapter 200*¹¹⁸⁹

Concerning the statutes for priests and the dues of the congregation

"Let lay people not be enticed by them into a share of the holy church, because that introduces a cause of disturbance; but let lay people offer offerings and dues¹¹⁹⁰ to the holy church of one accord in all readiness and unhindered, and let them not make their share according to rank or household,¹¹⁹¹ [116] which causes harm. When the priests receive these from the holy church, let them divide them in a regular manner, as is right. For the senior priests¹¹⁹² two and a half shares; and the other priests two shares each; the deacons one share each; the readers half a share; and the widows,¹¹⁹³ if they are chaste, one share – without any dispute. But if there is anyone who disputes it and makes a disturbance, let such a person be condemned by his own order,¹¹⁹⁴ and his fellows are not to be permitted to communicate with such a person, nor are the lay people to accept them as priests."¹¹⁹⁵

*Chapter 201*¹¹⁹⁶

Concerning the statutes for ministry

"The ritual and liturgical [objects] and vessels of the holy church are to be kept in the house of the senior priest, as was previously ar-

1188 Hospitality, *hiwrasirut'iwn*, is one qualification of a bishop according to I Tim. 3.2, and of an elder in Titus, 1.8.

1189 B: I 98; cf. K: 31.

1190 Dues: *mutk'*, "revenue [from the congregation to the priests]," only in this ch. in MG.

1191 Household: *erd*, lit. "skylight, through which smoke escapes," widely used for "family or household," e.g. p.120. For its use as "hearth" in the common sense of "family," cf. *Buzandaran*, IV 55.

1192 Senior priests: *glxawor k'ahanayk'*, as in the next ch., the Greek *archiereus*.

1193 The deacons ... widows: in KH: "the deacons one and a half shares, and the readers and widows..."

1194 Condemned by his own order: in KH: "suspended from his own rank."

1195 Nersēs and Neršapuh, *Canon* 13 [= KH I, p.483-4]. Note that MG adds his commentary after the next statute, running canons 13 and 14 together.

1196 B: I 99; cf. K: 32.

ranged.¹¹⁹⁷ The senior priest may not leave the church and occupy himself with the work of his house, but must remain all the time in the holy church, lest he interrupt the worship and prayers of the day and night hours and the oversight of the congregation. Let his other companions in summer be with him by turns diligently. But if anyone fails in his ritual duty through laziness or worldly cares, he may not be allowed to receive a share of the dues. The priests are to be unanimous in blessing the congregation with one accord, and [in excluding] those excommunicated from the holy church."¹¹⁹⁸

This divine and holy canon demonstrated in well regulated fashion the statute for income¹¹⁹⁹ and the ministry of priests, if anyone should wish truly to remain in the duty of the priesthood; but if not, let the statutes of the church be guiltless, and let the lazy ones receive the condemnation.

*Chapter 202*¹²⁰⁰

Concerning the statutes for monasteries, congregation, and churches

I wished also to write a little about these, because there is no little opposition in our country concerning them between secular priests and monasteries. But I considered the canons of the great Sahak,¹²⁰¹ how finely and regularly he distinguishes the income and festivals of monasteries and of the church which is in the world; and now all that is confused and corrupted. Therefore we were silent about these statutes; for if they do not respect the words of the saint, [117] how will they [respect] ours? If anyone wishes for the sake of his [Sahak's] code to correct [matters], it is right to act in accordance with that and not otherwise. For if there were a plan to make judgment now by my writings, it would not be appropriate for us so to presume, let alone if there is no such plan. I reckon likewise all our labours.

¹¹⁹⁷ Previously: *Canon 14* refers to a previous statute in the *Kanonagirk'*; see Sahak, *Canon 18* [= KHI, p.378].

¹¹⁹⁸ Nersēs and Neršapuh, *Canon 14* [= KHI, p. 484].

¹¹⁹⁹ Income: *hask'*, the "dues" of pp.27, 36.

¹²⁰⁰ B: I 100; cf. K: 33.

¹²⁰¹ 55 canons are attributed to Sahak [= KHI, p.363-421]; see esp. canons 36-42, which deal with monasteries.

*Chapter 203*¹²⁰²

Concerning the statutes for commemoration of the departed

"In commemorations of the dead by their families, whatever intercession¹²⁰³ for their souls they perform in accordance with the rites of the Christian religion by the command of the holy fathers, or the forty [days' memorial]¹²⁰⁴ and *agapes* for their repose, or the gifts, whatever the dead one may have commanded for his soul – let them not be allowed to give these to other churches or monks,¹²⁰⁵ but let the income of such [offerings] belong to the priest of the church of that same village and its monastery, and to the priest of their own house, where by the grace of the holy font he was born again and married and nourished with the bread of life, and whence he was escorted on his journey to God. But when what is necessary has been carried out in his own church, and it is desired to do something more for other churches, or for monks, or for the poor, then it will be freely allowed to do something."¹²⁰⁶

This statute is very correct: after doing what is necessary in his own church, then to give [offerings] to other [churches] or to monks. If it happens through incapacity or because of some expectation, that they give even what is necessary to distant [churches] with the agreement of his own priest and with the permission of the abbot of his own monastery, giving them much profit, these are to be pardoned when it did not happen for the purpose of despising his own [church]. But if they do not wish,¹²⁰⁷ let them do as much as they can there. This is indisputable.

*Chapter 204*¹²⁰⁸

Concerning the statutes for those excommunicated

"A layman, who because of various faults has been excommuni-

1202 B: I 101; cf. K: 37.

1203 Intercession: *mxit'arut'iwn*, lit. "consolation." For the word in this sense of prayer to God cf. the Greek usage cited in Lampe, s.v. *paraklēsis*, C.

1204 I.e. the memorial on the fortieth day after death; see Sahak, *Canon* 15 [= KH I, p.513, *zk'arāsuns zor katarē ašxarh vasn mereloc*]. Cf. Lampe, s.v. *tessarakosta*.

1205 Monks: *krawnawor*, lit. "religious," as above, e.g. p.27, 36.

1206 Sion [= Council of Partaw], *Canon* 19 [= KH II, p.14].

1207 I.e. the local priest and abbot [here *araj̄nord*].

1208 B: I 102; cf. K: 38.

cated¹²⁰⁹ by bishops, if he has died let not the priest bury him; or if he is a catechumen, let him not baptise him. But if it happens that in such a one's [house] there is a catechumen or someone dies, let the priest baptise the catechumen and bury the dead one, and let him strictly observe all other obligations of the excommunication without infringement."¹²¹⁰

It commands not to bury the excommunicated one himself if he dies; and if he is a catechumen, not to baptise him; but to bury a dead person of his household and to baptise the catechumen of his house. And it legislates for the two bishops,¹²¹¹ that they not put the entire household under excommunication, or that the priest ignorantly [118] because of the excommunication of the one deprive the others. Likewise, it is not lawful for a priest to place under excommunication all in a household because of the one person. Let another priest, if there happens to be such, bury and baptise; but let him observe the other rules.

If the excommunication is excessive, by entreaty it may be made clear, lest the others remain under excommunication because of the one who sinned.

Chapter 205 ¹²¹²

Concerning the statutes for those who close the doors of the church

"Let chorepiscopi not be authorised to close the door of the church and prevent the service of divine prayer because of a festivity¹²¹³ or because of the transgressions of a single person; but let them excommunicate those responsible for the festivity and the individuals who sinned."¹²¹⁴

It gives the supposition that it bids to close [the doors] because of the transgression of another. It is clear that it is not appropriate to close the churches or to prevent a service because of the transgres-

¹²⁰⁹ Excommunicated: *banadreal*; cf. the noun *banadränk'*, p.6. Catechumen: *erexay*, the standard term; cf. *unkndir*, n.1107.

¹²¹⁰ Sion [Partaw], *Canon 19* [= KH II, p.15].

¹²¹¹ The canon as quoted by MG does not specify the number of bishops. The text in KH reads "the bishop" in the singular, but numerous MSS have the plural.

¹²¹² B: I 103; cf. K: 39. 40.

¹²¹³ Festivity: *awrëntrik'*, a secular event, not a religious festival. Cf. Dvin, *Canon 3* [= KH II, p.203]: attendance at these does not befit a bishop.

¹²¹⁴ Sion [Partaw], *Canon 21*, lines 1-4 [= KH II, p.16].

sion of a single person. But the ministers are to rebuke the transgressors that they might have caused the churches to be shut, save that it is contrary [to the statute] to so act and without permission.

It also lays the same chastisement on village elders¹²¹⁵ with anathemas.¹²¹⁶

Chapter 206¹²¹⁷

Concerning the statutes for men and women taken captive

"Since because of our sins our country had been taken captive,¹²¹⁸ many men and women who were in captivity, and their spouses here, took wives or husbands without the permission of *vardapets*. Concerning such persons we have defined as follows. If anyone has presumed to marry another before seven years [have passed] while their spouses were in captivity, such persons are to be regarded as in fornication and are to suffer beating and punishment, to be dispossessed of property and possessions, [which are] to be distributed to the poor;¹²¹⁹ they are to be mutually separated, and should do penance for seven years. After seven years, if their spouses return from captivity, they should return each to their own spouse; but if not, after the above described penance¹²²⁰ they may keep those they married. As for those who return after seven years they may take other wives with blessing, or marry another husband, and the penance of second [marriages] will be imposed.¹²²¹ Now the one who was was patient for seven years may marry another after the seventh year without fine or punishment; and the penance imposed will be that of second marriages. Likewise, those who return from captivity after seven years, if they wish may marry another wife

¹²¹⁵ Village elders: *getjawagk'*, as in the Canon. Cf. p.127, "head of the village," *glx-awor getjn*.

¹²¹⁶ See the same Canon, lines 4-6.

¹²¹⁷ B: I 104; cf. K: 90.

¹²¹⁸ This canon of the council of 645 [for the date see Mahé, p. 472] looks back to the capture of Dvin in 640 by Muslim invaders, when 35,000 were taken captive according to Sebeos, p.138.

¹²¹⁹ To be ... poor: the text in KH reads: "We bid *vardapets* to take from their property and possessions and distribute them to the poor."

¹²²⁰ After ... penance: om. in KH.

¹²²¹ For the penance imposed on second marriages see chs.143, 146.

[119] or husband; and likewise the penance imposed will be that of second marriages."¹²²²

We have taken this rule of the last canon which we had also set down [earlier] in our own [code] briefly according to the different circumstances;¹²²³ and we have added the same here, because at this point this statute is quite complete. And if anything is thought to be contrary to ours, by using these [rules] we shall remain irreproachable, because our objective is merely that there be the true code in the churches.

Chapter 207¹²²⁴

Concerning the statutes for the heirs of a church

"If a man or woman from the holy church should die childless, during his lifetime he is authorised to hold everything; but beyond him, none among his relatives is allowed to alienate land, or water, or congregation.¹²²⁵ Among his relatives, if they are many, and anyone wishes to make one of them a son,¹²²⁶ he is allowed to do so, whomever he holds pleasing;¹²²⁷ but he may not give [his property] to a distant [relative]. As for moveable property and a bequest over which he has authority, if he gives it to a stranger or whoever happily serves him, or if he wishes to sell it or give it to someone, he is so authorised.

¹²²² Dvin, Canon 7 [= KH II, p.205-6]; but MG's text is not a close copy and is expanded.

¹²²³ See chs.8 and 14 for this same subject.

¹²²⁴ B: I 105; cf. K: 41.

¹²²⁵ See also chs.92, 153, 246 for alienation of church property.

¹²²⁶ Make a son: *ordi ainel*. The canon adds: *yordegirs*, "among those adopted." A few lines below MG uses the same word, *ordegir*: "If any of those adopted ..." Adoption as a ceremony before a judge, expounded in the Syro-Roman code, §98, 101, 114, is not a traditional Armenian concept. The relationship in Armenia of *dayeak* and *san*, "foster father" and "adopted son" is quite different, since it creates ties between two families. For this tradition see *EH*, p.521. The use of *ordiac'eal* in MX, II 83, III, 51, 57, refers to relationships by marriage. David, *Penitential*, ch.22, forbids monks from engaging in adoption or acting as godfather. MG does not refer to godparents, *knk'ahayr*, *knk'amayr*, where *knik'*, "seal," refers to baptism.

¹²²⁷ Whomever ... pleasing: so KH. The text in MG seems to reverse this: "whoever regards him as pleasing."

If any of those adopted is ordained to the priesthood, for whom the priesthood was inappropriate either by the testimony of the village or by himself, because of the ordination let him hold half of the gift exempt from tax or tribute in his own lifetime, and let him leave half of the gift, all the land and water, to kin of the holy church.¹²²⁸ Beyond the priest and his wife, let all the gift entirely go to the kinsmen, because it is not right to alienate the inheritance of the holy church from kinsmen and give it to distant [relatives] or strangers. But if the kinsmen willingly agree to give it up, let the *vardapet* discharge it, and not to any peasant but to one of the clergy of the holy church; even if he is distantly related, he may make him close. But if it happens to be a village which the priest has taken for inheritance, it is the inheritance of the holy throne; whom the *vardapet* wishes he may make heir, he has authority.

This regulation [was made] in the time of Heraclius and Xosrov, and let it be [valid] here.¹²²⁹ But whatever was in effect before their time, let it not be changed; because we¹²³⁰ do not know anything securely, let them observe it as is has been observed. But for their times and from now on and for ever let this text remain firm, and let no one transgress this rule."¹²³¹

Let us investigate also this spiritual statute, because it allows one to give of one's own to whomever one wishes, but forbids the alienation of the church's [property] from kinsmen. If it happens that someone from among distant relatives or strangers whom he adopted becomes a priest, after him it says to leave [the property] to close ones among the kin. If it happens that one of them becomes a priest, let them hold it. But if not, let the prelate¹²³² be authorised to give it to strangers, but from a priestly house, whom they make heir. [120]

To these it is appropriate to add the following. Not only when the heirs are removed from the church does it belong to the holy throne; but if the kinsmen happen to be unworthy, whether they are priests

1228 Kin: *ankawor*, lit. "what is suitable, what is one's own." Here "kinsmen" rather than "members [of the church]."

1229 Heraclius: emperor 610-641; Xosrov, shah 590-628. The council of Dvin does not indicate exactly when this statute was agreed.

1230 We: as the text in KH; MG has a 3rd sing. here.

1231 Dvin, *Canon* 8 [= KH II, p.206-9]. MG does not copy the text verbatim.

1232 Prelate: *arajnord*, also used for an abbot.

or not, it is allowed to appoint those worthy from among the priests. And this is in accordance with the truth.

Chapter 208¹²³³

Concerning the statutes for houses of priests

"When nobles divide their own household¹²³⁴ and people, they all do it with malevolence and they desire to make serfs¹²³⁵ of the clergy of the church and hold them in bondage – which is not appropriate for Christians. For the thrice-blessed saint Gregory and the blessed king Trdat set [in the same rank] the inheritance of the holy church with the households of other nobles,¹²³⁶ and the property of the holy church was free [of tax] with its land and water.¹²³⁷ In the time of the Persian kingdom, although they were subjected to tribute,¹²³⁸ yet their house was clearly [marked] in the *divan*¹²³⁹ and not confused with the peasants, but they merely paid tax to the court.

So if anyone through avarice be biased and cast the exempt clergy of the church under assessment or due or servitude, such a person will be far from the blessing of our council, and the *vardapet* and priests will not be allowed to bless the liturgy of such a one. But some have the vice of Ozia,¹²⁴⁰ and in accordance with each one's will and design they divide the gifts of the holy church and dispense them as they wish, and pay no attention to the command of the *vardapet* or

¹²³³ B: I 106; cf. K: 42.

¹²³⁴ Household: *erd*: see ch.200, n.1191; *erdumard*, "people of an *erd*," in KH. In the title MG uses *tun*, "house or family," and also just below for "the households of other nobles."

¹²³⁵ Serfs: *caṛay*, usually "servant," but here MG specifically refers to "bondage, *strkut'iwn*." The latter term, not elsewhere in MG, is used for foreign captives in Armenia, and sometimes metaphorically; cf. Eṭišē, p.98 [Thomson, n.4 ad loc.], MX, II 50.

¹²³⁶ Agat'angelos, §790, 837, stresses that Trdat gave the lands of old temples to the church, which he endowed with fields.

¹²³⁷ Eṭišē, p.22, emphasizes the "freedom," *azatut'iwn*, of the church, which was turned into "servitude," *caṛayut'iwn*, by the Persians.

¹²³⁸ Tribute: *bekar*, not attested before these canons. Cf. *anbekar*, "exempt from tribute," in the previous chapter.

¹²³⁹ *Divan*: a centre of administration [e.g. Sebeos, p. 67], or register.

¹²⁴⁰ II Chron. 26.16: Ozia burned incense on the altar, which was the privilege of priests.

the law. Such persons who presume to do such a thing will likewise be far from our blessing."¹²⁴¹

Let the nobles who are in Georgia take heed,¹²⁴² because they have undone such a true and very old canonical precept.

*Chapter 209*¹²⁴³

Concerning the statutes for monasteries

"Some lords¹²⁴⁴ and nobles exercise authority over monasteries and as abbot remove whom they wish and install whom they wish because of avarice. Some indeed reside in the monasteries as if, according to the scripture,¹²⁴⁵ they really did not have a place to eat bread, who despise the church of God with impudent shamelessness. Such persons, if they come to correction and remit to the bishop the exercise of oversight over the light and cult of the saints and over regulating schools,¹²⁴⁶ let him grant forgiveness to the past sins of such people, and let them be blessed by this council. [121] Let them come with the congregation, and an offering, and a vow, and let them pray in the monastery, as is right, on the merits¹²⁴⁷ of their own fathers, and in the chapels; but they are not allowed to be avaricious or remove anything. But if they oppose in any way the command of the fathers and this our instruction, such persons will be far from our blessing and will receive their recompense from the holy martyrs."¹²⁴⁸

As it is written: "They will wreak vengeance on the nations and admonition on the peoples."¹²⁴⁹

¹²⁴¹ Dvin, *Canon* 9 [= KH II, p.209-10].

¹²⁴² Georgia was the ruling power in northern Armenia at the time. For other references to them see pp.10, 25, 32, 96.

¹²⁴³ B: I 107; cf. K: 43.

¹²⁴⁴ Lord: *tanutēr*, only here in MG, except ch.227, where it means "master of the house." For these senior members of the noble families see Garsoïan, *EH*, p. 563, with further references. It is omitted in KH.

¹²⁴⁵ Is. 3.7; MG has added this to the text of the canon in KH.

¹²⁴⁶ Over the light ... schools: not in KH. Light: the lamp before icons or relics?

¹²⁴⁷ Merits: *vastaks*, lit. "labours, works accomplished." The sense of the preposition *i*, "on/in," is unclear. Chapel: *aṭawt'anoc'*, lit. "place of prayer."

¹²⁴⁸ Dvin, *Canon* 10 [= KH II, p.210-11]. MG's version of the canon is longer and more divergent than usual. But if ... martyrs: added by MG to the text in KH.

¹²⁴⁹ A conflation of Ps. 149.7 and Micah, 5.14.

*Chapter 210*¹²⁵⁰

Concerning the statutes for poor-houses¹²⁵¹

"Some persons¹²⁵² exercise authority over poor-houses and forcibly demand taxes and *nšems*¹²⁵³ and food and drink, and they set their own officials over them, and oppress them with service and labour,¹²⁵⁴ and they torment without scruple the miserable brothers, to whom it was rather more necessary to bring cures and for all Christians to bind their wounds."¹²⁵⁵

So if anyone henceforth dares to do any such things in hospitals, they are to be judged by merciless judgment, they who do not practice mercy.

*Chapter 211*¹²⁵⁶

Concerning the statutes for lodging in monasteries

"Some nobles and mounted riders,¹²⁵⁷ when they arrive at villages which are situated in the region of a monastery, do not dismount at the village, but some with their wives and female servants¹²⁵⁸ lodge at the monastery, and in this way trample on the canon of the fathers. With minstrels¹²⁵⁹ and singing-girls they feast in the house of holiness and worship, which is horrible for Christians to hear, let alone see. So let the priests of the monasteries recall these above-

¹²⁵⁰ B: II 103; cf. K: 44.

¹²⁵¹ Poor-house: *tkaranoc'*, lit. "place for weak people." The NBHL notes only the usage here; the text of KH has the more usual *hiwandanoc'*, "place for sick people, hospital." But here *tkar* has the sense of "needy," since the ill could hardly perform labour.

¹²⁵² KH adds: "of the nobility," *yazatac'*.

¹²⁵³ *Nšem*: not in KH and not attested elsewhere.

¹²⁵⁴ Service and labour: *kor*, *pahak*, both of which refer to obligatory work; see Lazaryan / Avetisyan, s.v. The text in KH reads: "with strife and punishment."

¹²⁵⁵ Dvin, *Canon* 11 [= KH II, p.211]. MG diverges from KH and abbreviates the last section.

¹²⁵⁶ B: II 104; cf. K: 45. Monastery: *vanorayk'* in the title; in the text *vank'* as in the canon.

¹²⁵⁷ KH adds: *ramik*, "of the common people."

¹²⁵⁸ With wives and female servants: omit in KH.

¹²⁵⁹ Minstrels: *gusan*, famous as singers of the epic tales; cf. also Vač'agan, *Canon* 12 [= KH II, p.96]. See the discussion in Garsoïan, *EH*, p.529, with further references.

mentioned canons in the ears of such persons. If they pay heed and lodge in the village, it is good. But if they persist in the same stubbornness, such persons likewise will be far from our blessing and will receive vengeance from the saints. For "monastery" means a resting place of the saints and a lodging for bishops and priests and monks, and the poor.¹²⁶⁰ But nobles and cavalry, inasmuch as they are called men and women, must with great awe pray and join in prayer and worship, as is fitting in the house of God."¹²⁶¹

This legislative statute is clear to all. [122]

Chapter 212¹²⁶²

Concerning the statutes for marriage and the number of kin

Just as to all our colleagues¹²⁶³ it was necessary in the same eighteenth year of the reign of Xosrov, son of Ormizd, so also were we obliged to write to your holiness: to hold firm the command of the holy Spirit through the Law and the Prophets, which the holy and orthodox *vardapets* confirmed through apostolic legislation. But most especially to beware of the abhorrent marriage of close [relatives], that is closeness by kin, which ruinously ends in so many evils. For not only do such people create confusion of the numbering of generations, but they also [commit] avarice, which the apostle said was the root of all evils,¹²⁶⁴ and an impious heathen custom, as through the first prophet he made known to all the pious,¹²⁶⁵ and a myriad and more evils, as is clear to the wise. For if the divine mouth curses men who change the established boundaries of their fellow,¹²⁶⁶ whereas

¹²⁶⁰ The meaning of the stem *van* is indeed "dwelling, lodging."

¹²⁶¹ Dvin, *Canon 12* [= KH II, p. 211-13]. MG has a divergent text, generally shorter than that in KH.

¹²⁶² B: I 108.

¹²⁶³ Colleagues: *at'orakic'*, i.e. fellow bishops. This section, dated to the 18th regnal year of Xosrov [607-8, at the time of the break with the Georgian church] seems to be connected with the Catholicos Abraham's encyclical, *Girk' T'it'oc'*, p.189-95. That document is concerned with christological arguments. But the problem of marriage with close kin, an Iranian tradition, vexed Armenian theologians throughout the Sasanian period. This and the following chapter are not in the KH.

¹²⁶⁴ I Tim. 6.10.

¹²⁶⁵ I.e. Moses; see Lev. ch.18 for such forbidden marriages.

¹²⁶⁶ Deut. 19.14; cf. ch. 194 above.

these trample underfoot and despise the legislation and command of the Creator of all, it is known [to merit] great anger. But concerning them there are also other [sayings].

Hence it is clear that of old, at the Exodus, God spoke as follows: "Do not walk according to the religion of the Egyptian and Canaanite peoples; I am the Lord your God."¹²⁶⁷ And bringing them to order he called such [marriage-] beds, in which manner the impious lived, infamous nakedness.¹²⁶⁸ He prohibited it for the first generation, and then the second; and reaching that which we call "step,"¹²⁶⁹ said: "Do not uncover yourself, because she is your sister of the same mother." Then after a few words he indicated something further, worthy of wonder. For when he said, "she is a sister of the same mother," he again repeated as follows: "You shall not reveal the nakedness of a woman and of her daughter" – that is, one a wife and the other a step-[daughter] – "nor shall you take the daughter of her son" – that is, that of a step-[son] – "nor the daughter of her daughter, because it is impiety."¹²⁷⁰

Now he indicates prior to this, which for us is considered the third generation as we made very clear above: "You shall not reveal the nakedness of the daughter of your son or of your daughter's daughter."¹²⁷¹ But let no one think that these sayings only concern the parent, but [not]¹²⁷² also those descended from him, because that is complete foolishness. For no one has a brother or a sister without a father, or the son of a father's sister or of a mother's sister, because the relationship is one and the same also for sons. Just as they are called first and second and third generation, so also [the relationship] of the brother's son or of the others to each other is called first generation, and second and third and fourth.

Not only this, but there is another distinction worthy of admiration, which the divine Law teaches us: "You shall not reveal the nakedness of your daughter-in-law, [123] nor shall you take the

¹²⁶⁷ Lev. 18.3-4. Religion: *krawnk'*, but *gnac'k'*, "ways," in the Armenian OT text.

¹²⁶⁸ Infamous: *xaytarakanac'*, not in Leviticus, where there are many references to "nakedness," *arakank'*.

¹²⁶⁹ Step" *xort'*, not in the OT; it occurs only at Heb.12.8, rendering *nothos*. For its ambiguity, "bastard/step-," see chs.15, 102.

¹²⁷⁰ Expanded from Lev. 18.17.

¹²⁷¹ Lev. 18.10.

¹²⁷² The sense seems to require a negative.

daughter of her daughter or the daughter of her son,"¹²⁷³ which indicates the following. Suppose the son died and the daughter-in-law married another man and bore a son, and he marries and begets another daughter, you will not take her to wife, because it is impiety. Thereby he indicates the final boundary and the farthest who is to be abhorred in marriage.

Now the Holy Spirit through the prophet Hosea reckoned all terrible and most wicked sins as small compared to this transgression and accusation. Hear him who indicates these sayings. If it exists merely by name, what relationship is there, he says? "The Lord has a lawsuit with the inhabitants of the world, because there is no truth or mercy, or knowledge of God on the earth, but cursing and lying and stealing and adultery and killing spread over the earth."¹²⁷⁴ But even greater impiety and more acute sin is this – those who mingle blood with blood, which is the marriage of relatives. The retribution for this he expounds as follows: "Therefore, he says, mourning will encompass the land, and it will languish with all its inhabitants; also the beasts of the desert, and reptiles, and birds of the heavens shall fail, because there was no one who would reprove and judge."¹²⁷⁵

So whereas the word of reproof and judgment has convinced you of such things, yet you are unconcerned, and you condemn yourself and those over whom you have authority. But if you do not allow blood to mingle with blood, which is until the definition of kinship is exhausted, justly do you fully embellish your office. As for the haughty and those who love to fight against the holy Spirit, to them you will hand down the decree of the canon which the blessed fathers confirmed in Christ, and which is preserved up to now like the extinguishable sun. The beginning [of legal marriage] is from the fifth [generation] on; because having mercy on those who liked to fall into the nature of animals, they softened the decree. But it is natural for the virtuous, of which your holiness is informed.

In almost all the canons was set down the definition of these matters, but fully here which it took and demonstrated from the Law and the Prophets. We must examine these as to which indeed was an addition newly made through the canons. For the Law distinguished

¹²⁷³ Lev. 18.15, the second part inverted.

¹²⁷⁴ Hos. 4.1-2.

¹²⁷⁵ Hos. 4.3-4.

the sister [descended] from the father and the one from the mother as follows: whether he happens to take a wife and she [already] has a daughter, or whether she gives birth after the marriage. Now the canons [distinguish] as follows: not to give step-children [in marriage] to each other, nor their offspring down to the third generation. But those born from step-parents down to their children who are without step [relationships], which is the fifth generation – then these may be married.

It calls "step-" those so related to each other down to the third [generation], so it is clear that it permits the fourth. Those born of step-parents down to their children it calls of the third [generation], which with the step-[children] becomes the fourth, and with the parents, the fifth. It means this: if one is a step-[child] and the other is of the offspring of the step-parents or of the step-parents, it is fourth, and the step-[child] fifth; then they may marry.

Because the Law mentions the father's sister and the mother's sister, but the canons their offspring, [124] it forbids uniformly the offspring of the brother of the mother, and that of the others. The canons and the Law forbid equally the offspring of step [relatives], and of grandchildren which [are born] of son or daughter, and the offspring of brothers; likewise also the offspring from a daughter-in-law.

*Chapter 213*¹²⁷⁶

Concerning the statutes, how people may be joined [in matrimony] according to the Law and the canons; and if not, who may be pardoned and who must be separated

It should be known that the canons¹²⁷⁷ decree that no one may be permitted to make a marriage relationship up to the fourth or fifth generation. It says the same as the Law; for the third [generation of] offspring, which it forbids to marry, clearly means that it allows marriage with the fourth. And who marries becomes the fifth [generation]. This is to be understood in all relationships, and this is the fourth and the fifth.

¹²⁷⁶ B: I 109.

¹²⁷⁷ See the previous ch., and also ch.101 above. A large number of canons in the *Kanonagirk'* deal with this subject. According to the *Buzandaran*, IV 4, this was one of the topics on which the first council of the Armenian church under Nerses I focussed. Nersēs Šnorhali, *Encyclical*, p.134, notes the parallel between the four degrees of kinship and the four elements.

If the Law and the canons do not mention relations it is for the sake of demonstrating one model to be distinguished like the others through the offspring. For the Law says this: not to marry two sisters;¹²⁷⁸ and the canons say the wife's sister is brought into family kinship with the husband. Whence it is clear that thus in every case relations are brought into family kinship, and in accordance with other close relatives are distinguished through offspring.

So according to the Law and the canons they may marry as follows, whether they are the offspring of brothers or of others; because first the parents are not included in the number, since in that regard it says fourth or fifth generation. And furthermore, it should not be lower than this, because it says it is fourth on one side; and if on the other side it is one, it is indifferent. This is clear from the Law: "You shall not reveal the nakedness," his own it says. For it forbids that of the third [degree] and accepts the fourth, and the one marrying is the fifth.¹²⁷⁹ It is the same according to the canons.

If it happens to be five, that is good; and to be of five generations is the same. If as many [degrees] one side may be, the other is found to be the same, it is a surplus; but if it is not, let it be as was shown.

If it is three [degrees] on one side and three on another, it is possible [to marry]. And if it is three on one side and two on the other, this also is possible; for as was allowed by the Law, the fifth may marry the fourth, for when he marries the third will remain.

It is the same when there are three on one side and two on the other. When this occurs three remain; for as he takes his own according to the Law, three remain.

It will be the same for the children, because the example of distance is identical.

Similarly, if there are three on one side and three on another, on [marriage] occurring, the fourth remains. This is in accordance with the fifth generation, like that [example] according to the fourth.

In this fashion those [degrees of kin] will occur in all relationships, for on the occurrence [of marriage] three or four remain. But let it be the fifth for priests, fourth for all laymen. [125]

On the other hand, [if there are] three from one side and one from the other, it cannot be; likewise two from one side and two from the

¹²⁷⁸ Lev. 18.18.

¹²⁷⁹ Karst, II, p.145-6 provides tables illustrating these degrees of kinship.

other, because when [the marriage] occurs there remain two and not three. So for these people it may not be permitted. But if they do so presume, they are to dissolve [the marriage]; but if they cannot, let them correct [the situation] through penance. But if in ignorance they either create the family relationship or incur the reproof of the commandment, such persons may be pardoned differently.

Now if there are two from one side and one from the other, absolutely they may not allow it. If they insist on doing it, let them dissolve it. But if they cannot, either because of presumption or because they are princes, let them regularise it with a severe penance. But if it is done through ignorance, according to what has been said, let there be pardon differently. However, for princes let there be a different model of dispensation¹²⁸⁰ in all things.

If it is one on one side and one on the other, absolutely there may be no dispensation. Whether [contracted] knowingly or in ignorance, let them dissolve [the marriage] with anathemas. But if they cannot, let there be no communion with them, but let them be expelled as fornicators until they repent, are separated and corrected through penance. For on the occurrence [of such a marriage] there does not remain even one [degree], as two for the fourth [generation] and one for the third. This is according to the dispensation of the canons, which says: Because, having mercy for those who like to fall into the nature of beasts, they softened the rule;¹²⁸¹ but it is natural for the virtuous. It is clear that it speaks about the fourth and fifth.

We have judged this according to the Law and the canons, how people may be joined [in marriage], or pardoned, or separated. If I had with regard to these matters anything else to subject to review, I would not wish to do so, lest I be thought to be opposing something to the canons. But what does not appear from the canons, we have taken from oral sources.¹²⁸² If anyone is learned in the custom of scripture, he will see all these matters firmly established by the Law and the canons. We see many men uninformed of scripture in this, since as many on the one side may be fourth or fifth, the same they demand from the other

¹²⁸⁰ Dispensation: *nerumn*, lit. "pardon." Cf. above for the use of this noun, or the verb *nerel*, as "discretion."

¹²⁸¹ See ch.212, p.123, lines 25-26.

¹²⁸² Oral sources: *i kendani jaynē*. Cf. ch.146 for "report [*lur*]," and the Introduction for MG's sources in general.

side, which is rarely to be found. For the Law says not to reveal one's own nakedness; and leaving the third in the middle, it allows to marry the fourth. It is the same for the offspring according to the canons.

However, many of the ignorant introduce the words of John Chrysostom,¹²⁸³ that the Law commands to take a wife from close relatives¹²⁸⁴ in order not to desire to give one's love to outsiders; but the Gospel [bids] love to be given to distant [relatives].¹²⁸⁵ So if such is the reason, why do families seek [partners] punctiliously? It should be known that the saint through his words means the force of the Law and of the Gospel, but not its [literal] preservation. Because he did not say that for this reason the relative is not to be prohibited; but he recognised that the Law also is to be observed, since in accordance with the times the Law made distinctions for these [matters]. For it is not a sin by nature, but knowledge according to the Law's revealed legislation. Before the Law they even married sisters, but the Law forbade it. The Law did not forbid the daughters of the father's sister, of the mother's sister, or of the mother's brother. But the canons forbade them and those like them as close relatives, saying: Let no one create a marriage relationship down to the fourth or fifth generation. It calls this [difference] insignificant, not counting according to the Law [126] of how many [degrees] it may be or not, in order to indicate the prohibition of all family kinship with offspring. Because this is the legislation of the Holy Spirit, let us observe it with care lest we be condemned.

So if this statute seems pleasing to the churches, since as much as was possible we have set it down after verifying it from scripture, let them act in accordance with it. But if it is unpleasing, let no one reprove us as presumptuous, but let him grant us forgiveness as ignorant. And acting with right judgment in accordance with scripture, as he views himself with skilful mind, so he frees us from the great and impartial judgment. Only let them not be blinded by bribes, as we see many,¹²⁸⁶ because there are as many avengers of that law as they fill hands with bribes, on whom they will exact judgment.

1283 This is the only reference to John Chrysostom in MG; there are no relevant parallels in the KH.

1284 Num. 36.6-8.

1285 There is no reference to "distant, *herawor*," in this sense in the bible.

1286 MG often mentions bribes: Intr. chs.6, 9; Code, chs.3, 38, 128, 138, 228.

Chapter 214¹²⁸⁷

Concerning the statutes for ships wrecked at sea

The nearest city should rescue ships wrecked at sea by giving assistance, on the grounds that it would be the source of handsome profits. But to plunder [a ship] because of its being wrecked is beyond the law. If they do not wish to rescue it *gratis*, let them pay as much as possible¹²⁸⁸ and recall the [saying] of the Law: "To raise up the fallen beast of burden with its master."¹²⁸⁹ But for being avaricious and rapacious let the statute be as follows: either as someone who pillages, or like a lord who tithes¹²⁹⁰ the subjected or takes a fifth.

We have briefly set down this statute, because the Romans¹²⁹¹ act very much against the law in these matters, and in order to prevent that occurring if [any] of our people encounter the nations that rule the sea.

Chapter 215¹²⁹²

Concerning the statutes for swindlers

Many people go around deceitfully in the name of the saints and of churches [and] monasteries, and with other multifarious excuses, and cheat many, so that it is not easy to discern their fraudulent evils because they manage to possess commendatory¹²⁹³ letters and acquire other forms of deceit. So when it happens that one discerns

¹²⁸⁷ B: II 105.

¹²⁸⁸ Let ... possible: omitted in all MSS of A, but added by T'orosyan from G.

¹²⁸⁹ Deut. 22.4; cf. ch. 115 above, where MG adds "unrecompensed, *anvarj*." "Gratis" renders *jri*.

¹²⁹⁰ Tithes: lit. "takes a tenth." For tithes see the Index, s.v. *Numbers*.

¹²⁹¹ Romans: In earlier Armenian texts "Rome" and "Romans" would often refer to Constantinople and the Byzantines. But in the 12th century "Romans" frequently is used of the westerners associated with the Crusades. MG uses "Rome" of ancient Rome in Italy on pp.10, 89, 135, but on p.25 it refers to Constantinople. So here it is not clear whether MG is referring to the Byzantines, or [more likely] to the westerners, the "Franks" of p.137. On this chapter see further Zeller, *Das Zeerecht*.

¹²⁹² B: I 110; cf. K: 67b.

¹²⁹³ Commendatory: *ēncayakan*, as in ch.157. The *NBHL* attests this term only in canons; cf. KH I, p.83, Canon 31 of Clement.

them and discovers their trickery, [one should] take the gathered objects which are in the name of another church, and if it is at all possible, send them there; and if that cannot be done, give them back to each one's [original] place. If it is not possible for this to be done, I think the laws [should apply] in accordance with the reason for gathering [the money], and thus the bishops should administer it, or whoever else it may be. If it was on pretext of building a church, and it is sufficient for that, they should do so; and if it is not, they should put it to the needs of a church according to its sufficiency. If it was on the pretext of captives, they should use it for them. According to this pattern let all the rest be used.[127]

Chapter 216¹²⁹⁴

Concerning the statutes for those rebuilding villages

When a village is built for the first time, the allocation of land and water and other such things is not fixed until enough inhabitants have gathered; then let the allocation be confirmed.¹²⁹⁵

But if it be ruined, and a long time did not elapse so each [inhabitant] could know the boundary of fields and other things, let each hold according to the boundary of his ancestors. But if a long time has passed, and [the boundaries] are not knowable, and there has been a change of lord, let them make the allocation anew equitably: first for the church, then for the others, giving a greater part to who is the head of the village¹²⁹⁶ because of his responsibility for the others.

Chapter 217¹²⁹⁷

Concerning the statutes for the general confirmation of sales

All sales are confirmed when those who sell have the willing testimony of everyone's acceptance. Accordingly, if the father sells it is

¹²⁹⁴ B: II 106; cf. K: 148.

¹²⁹⁵ Allocation: lit. "division," *bažanumn*.

¹²⁹⁶ Head: *glxawor*; cf. the "leaders of the people, *glxawor' zołovrdean*," MG's Introduction, ch.5, and the "village elders," ch.205.

¹²⁹⁷ B: II 107; cf. K: 112. Sales: *vačar*, the general term for trade or commerce; see p.13, n.143.

necessary for him to have the willingness of his sons and daughters and brothers, who are the heirs. Likewise, if the son sells [he must have the agreement] of his father and of the other brothers and sisters. Otherwise, when they wish, the [buyers] are allowed to return it, even if it has been confirmed in writing.

If together and with witnesses they sell, and it is for the reason of poverty, and on terms which the seller sets, or as was indicated above,¹²⁹⁸ they may return it. But if it is without a cause, let it be confirmed. So in this way, they may either be returned or agreed, according to what is suitable.

As for a confirming document,¹²⁹⁹ let it be with the symbol¹³⁰⁰ of the judge. Let the symbol be either that of the true judge – the sign of the cross of Christ – or the image of the bishop or of other judges, that is, patriarchs. Although they are written by the hands of others, let it be confirmed when marked with these. Just as in the court of kings the documents are written, but marked with the royal symbol and thus confirmed, likewise let it be so here.

Chapter 218¹³⁰¹

Concerning the statutes for the dowries of brides

When brothers make a distribution among themselves and divide the patrimony, first let them identify the dowries¹³⁰² of the brides and give them to each, and then [divide] for themselves the patrimony.
128]

But if among the brothers someone's share has been sold, let it be restored from [the shares] of all, for each one is master of his own.

This is to be considered a general statute in accordance with the policy¹³⁰³ of the world.

¹²⁹⁸ See chs.100, 101, for selling and buying.

¹²⁹⁹ Document: *gir*, as for divorce, ch.122. MG does not refer to "securities, *graw*," in sales, as opposed to loans; see ch.83.

¹³⁰⁰ Symbol: *nšan*, lit. "sign." The usual term for a seal or signet ring is *knik'*.

¹³⁰¹ B: II 108; cf. K: 98.

¹³⁰² Dowries: *bažin*, lit. "share," as above, e.g. ch.102. The term *proyg*, standard in the Syro-Roman code, is found only in the *Grecension* in chs.6, 7, 9.

¹³⁰³ Policy: *k'atak'avarut'iwn*, which renders the Greek *politeia*.

Chapter 219¹³⁰⁴

Concerning the statutes for those who fall or are suspended from a tree, and those who fall from a church, or die by a stone [falling] from a church

"Now as for what you asked¹³⁰⁵ concerning a man who falls from a tree and dies, or is suspended from a tree and strangles, there is no sin [imputed] to the plants. Because they are inanimate and without sensation, they were in no way the causes of the death of these people which happened in that way. But if one were to act in accordance with the Law of Moses, in which God commanded with regard to beasts, that if one of them became a vessel of impurity for the souls and bodies of men who commit bestiality, its milk should not be drunk if it is of that species of animals, and they should stone the animal, and dogs should eat its flesh;¹³⁰⁶ likewise if deer should hurt a man and he dies, they should kill the animal and not eat it¹³⁰⁷ – not because they are [the cause of] sin, but because they became vessels for those committing impurity and murder – according to this model, if they were to do this they should cut down the plant lest they eat of its fruit. But if another should spring from its root and reach maturity, they could eat without scruple and not despise it, just as those born from the animals are not discriminated against."¹³⁰⁸

This is incontestable according to the Law, and likewise the church too accepts it.

"But if a stone falls down from a church, or if it gets loose and falls on a man and he dies, the church is blameless. Let the liturgy be offered in it, just as the Lord wishes."¹³⁰⁹

But let it seem appropriate to observe mourning for a few days,

¹³⁰⁴ B: I 111; cf. K: 67a.

¹³⁰⁵ Many of the canons in David of Ganjak's *Penitential* have this introduction, as if written in response to a question. In some cases, as here, the phrase appears in MG but not in David.

¹³⁰⁶ Lev. 20.15 indicates that both the beast and the man are to be killed. But there is no reference to milk, nor are any of the biblical references to throwing carrion to the dogs relevant. For other references in MG see the Index, s.v. *Bestiality*.

¹³⁰⁷ Ex. 21.28; but there "ox," not "deer."

¹³⁰⁸ David of Ganjak, *Canon* 96, to line 24. Not discriminated against: *anxtir*, lit. "without distinction."

¹³⁰⁹ MG returns to David, *Canon* 96.

like a mother over her offspring; and let them do this as they wish.

Chapter 220¹³¹⁰

Concerning the statutes for thieves hung on gallows

"You had asked about hanging thieves on gallows.¹³¹¹ Whether he is a foreigner¹³¹² or a Christian and they command a Christian to haul him to the gallows, if it is possible let him flee the place; but if not, let him be released for a bribe. But if these [measures] do not help, then one must of necessity carry out the commands of lords, but not beyond – as John commanded the soldiers: "You are not to do more than what has been commanded you."¹³¹³ [129]

Because God looks into the heart, but man at the face," as the Lord commanded Samuel.¹³¹⁴

Chapter 221¹³¹⁵

Concerning the statutes for those killed by animals

"If a man has a stubborn mule, or a horse that kicks or bites people, like the bull-headed horse of Alexander,¹³¹⁶ or a butting ox, and he knows it,¹³¹⁷ and others inform him and raise a complaint and indicate the danger, but he remains unconcerned and does not take measures [to restrain] them as would be right, and it kills someone by kicking or biting or goring, its owner is guilty of death and the beast shall be killed. But if he did not know, he is innocent.¹³¹⁸ If it is an unclean animal, or horse or mule, the owners shall give it up for the funeral expenses, so that they may sell it for the needs of his soul. But they shall make known the reason, and sell it to those who are able to tame them."¹³¹⁹

1310 B: I 109.

1311 David of Ganjak, *Canon* 41, without "you had asked." Gallows: *p'ayt*, lit. "wood," often used of the cross.

1312 Foreigner: *aylazgi*, i.e. Muslim; but in David, *k'urd*.

1313 David has confused Lk. 3.12-14: this is John the Baptist's response to the tax-gatherers; the soldiers are told to do no violence.

1314 MG conflates I K.16.7 with "heart" from elsewhere in the OT.

1315 B: II 110.

1316 Like ... Alexander: an addition by MG.

1317 MG does not quote David, *Canon* 42, closely: the latter reads "and he does not know it," *ew angitasc'ē* for MG's *ew na gitasc'ē*.

1318 But ... innocent: an addition by MG.

1319 But ... them: an addition by MG.

This statute we have set down once [before] in accordance with the Law;¹³²⁰ but we wished to confirm it also by the canons, increasing it somewhat.

*Chapter 222*¹³²¹

Concerning the statutes for a man sent on a journey or other business who suffers death

"Concerning someone's sending a man on a journey, many examples are seen with regard to questions of scruple or lack thereof. For there are some who are set by their masters to agricultural work,¹³²² and some to viticulture, and others to military service, and again others to another task which variously involves the common needs of our livelihood. Should the trap of death befall these on their business, their masters are innocent, especially those who regularly impose the command of preparedness on the hearing of those subject to them. But if the masters of servants command them to do the opposite of what is for the common good and the peaceful benefit of our livelihood, and death or murder should then befall someone, his master is guilty of death. Furthermore, if any of them informs his master of the impending danger, and the master pays no attention and sends him unprepared to his task, and the harm befalls him of which he had suspicions, then the one who sent him is guilty of his blood."¹³²³
[130]

*Chapter 223*¹³²⁴

Concerning the statutes for the teachers of children

It is not allowed to teach children for a fee according to canonical commands.¹³²⁵

If they are orphans it is appropriate to provide them with every attention; but if they are not, let only their own people provide food

¹³²⁰ See ch. 65.

¹³²¹ B: II 111; cf. K: 142.

¹³²² Agricultural work: *gorc mšakut'ean*, lit. "task of labour;" cf. *hołagorcut'iwn*, p.32.

¹³²³ David, *Canon* 43, lines 10-27. For the continuation see ch. 226 below.

¹³²⁴ B: I 112; cf. K: 66b.

¹³²⁵ This ch. is based on David, *Canon* 35, with many changes. For other canons on the regulation of schools cf. Sahak, *Canons* 10, 14 [= KH I, p.372-3, 377], Dvin, *Canon* 4 [= KH II, p.203].

and clothing.¹³²⁶ If they are able, and of their own ready will they give a gift to the teachers, it is right for the spiritual sowers to reap bodily harvests; but if they are poor, that cannot be demanded.

But if anyone disputes and becomes violent, it is the statute that whatever he has spent on the child, that only should be repaid, but not for the spiritual grace.

It is right for judges to follow these [rules] in a spiritual manner.

Chapter 224¹³²⁷

Concerning the statutes about drunkenness

Many are ignorant of the definition of drunkenness among the prelates and ministers of the church. Provided they do not vomit, they venture to perform church tasks.¹³²⁸

Now one must set down its definition. Drunkenness according to etymology¹³²⁹ is satiety; but to vomit or not occurs from the constitution of the body.¹³³⁰ If the definition of drunkenness is satiety, then the definition of not being drunk is non-repletion. Furthermore, the sign of drunkenness is a staggering of the body and of speech.

So whoever fits this definition or sign should abstain from each one's ministry and fulfil the due measure of penance, and then approach the work of grace. But if they pay no heed, they are subject to the statutes for drunkards.¹³³¹

¹³²⁶ If ... clothing: an addition by MG.

¹³²⁷ B: I 124; cf. K: 131.

¹³²⁸ This is based on David, *Canon* 29.

¹³²⁹ Etymology: *stugabanut'iwn*. MG does not use this term elsewhere, but cf. ch. 102 for such arguments [*kin*, woman/*kēs*, half]. The definition of drunkenness, *arbec'ut'iwn*, as satiety, *yagec'ut'iwn*, I have not traced.

¹³³⁰ Cf. Yovhannēs Mandakuni, *Summons to Penance* [= KH II, p.300]: drunkenness is a sin of nature, *bnut'iwn*.

¹³³¹ See ch. 27 above. There are numerous canons in the *Kanonagirk'* regarding the drunkenness of clerics: e.g. Gregory, *Canon* 25 [= KH I, p.248], Nersēs and Neršapuh, *Canon* 21 [= KH I, p.486], Yovhannēs Imastasēr, *Canon* 1 [= KH I, p.516-7], Basil, *Canon* 22 [= KH II, p.105-6].

Chapter 225¹³³²

Concerning the statutes for the orders of the church and of the court of the king

What action of man did we recognise as piety? It is right for a man to examine the [deeds] of his colleagues, whereby he may more easily try to make himself pure and vigilant on looking to them, and comprehend the orders of the church and of the kings that we serve. [131]

So as is clear to all, two creatures were created thinking and rational: angels and men, the one from a pure and unmingled nature, but the other brought into existence from many.¹³³³ Moses at the beginning did not write about angels but gave an account about man, saying: "God created man as dust from the earth, and he blew living breath into his face; and man became a living spirit."¹³³⁴ The foolish think that God used a mouth and other instruments, and enclosed the uncontainable in sensation. But one must understand the "blowing" as that he made alive or endowed with soul. Likewise one is to understand the dust from the earth, not as dust of a single [element] but as containing all four natures: the dry and the wet, the warm and the cold, and wind.¹³³⁵ Just as the young [students] of doctors divide the dryness of dust into bones, and the body into the wetness of water, and that of water into the veins of blood, the dryness of air into arteries,¹³³⁶ [so] they mingle the warmth of fire with everything.¹³³⁷ They distinguish males and females, and say the flesh and skin are fe-

¹³³² B: I 113; K: 60. In Recension A the MS D omits this chapter, and Recension G lacks chs. 225-6. It is clearly out of place, between two short sections from the *Penitential* of David of Ganjak. Parts of this chapter are found verbatim in Nersēs of Lambron's *Commentary on the Liturgy*, written 1177-8; there are also parallels in the *History of Siwnik* by the later Step'annos Orbelean. T'orosyan, pp. 589-95, sets out these texts in three columns. For the parallel section in Smbat see Karst, I, p. 81-90.

¹³³³ I.e. the four elements, discussed just below.

¹³³⁴ Gen. 2.7.

¹³³⁵ Wind: i.e. as the "blowing." For a discussion of Armenian views about the elements see Thomson, "The Cosmology of Vardan."

¹³³⁶ Arteries: *šne'erak*, lit. "vein for breath," is used both of arteries and passages for air.

¹³³⁷ For the bones, veins, the hot and the dry, etc. cf. Išoḫ, *On Nature*, p. 99.

male.¹³³⁸ Moses did not say all this, nor [did he mention] the nature of angels, yet they have being.

Are they then uncreated or self-created, or prior to the beginning of creatures? Moses did not say of them that God created angels, but that he commanded the seraphim to guard with flaming sword the paths to the tree of life.¹³³⁹ If this is so, then we must understand water also as uncreated; because he said that in the beginning God created heaven and earth, and did not say [God created] the water, but that the earth was invisible and unformed, and the Spirit of God moved over the waters.¹³⁴⁰

But we must understand this to mean that while God made heaven and earth, with it he made all the powers of heaven, and the waters and the stones and everything that is on earth; because this earth is called merely "dust" in the language of the Hebrews.¹³⁴¹ So then the waters were also created with the earth, just as David says: "His is the sea, and he made it."¹³⁴² And with heaven the angels were created, [David] saying: "Who made his angels spirits, and his ministers a furnace of fire."¹³⁴³ When [we] hear "angels and ministers," they do not reveal the ranks but give a generic name. Moses in this hidden fashion did not only not reveal the ranks, but neither did he mention the angels at the beginning. But later in the time of Abraham he said: "The angel found Hagar in the desert;"¹³⁴⁴ and again: "The angels came to Sodom."¹³⁴⁵ He did not mean some forms, but they appeared like men. Not only of these, but neither of the cherubim nor of the seraphim did he mention forms. Jacob, however, in his vision mentioned the forms of the angels, [132] as Aquila indicates, saying: "He saw a ladder set on earth, whose top reached heaven, and a host

¹³³⁸ I have not identified the source for this.

¹³³⁹ Gen. 3.24; but there "cherubim!"

¹³⁴⁰ Gen. 1.1-2.

¹³⁴¹ Dust: *hoi*, as also above.

¹³⁴² Ps. 94.5.

¹³⁴³ Ps. 103.4

¹³⁴⁴ Gen. 21.17; the LXX has "the angel of God called," while the Armenian text of Zohrab has "God called." See just below for such variants. Readings from Aquila and other versions of the OT are not uncommon in the margins of Armenian MSS. See Cox, *Hexaplaric Materials*.

¹³⁴⁵ Gen. 19.1

of winged men who were ascending and descending."¹³⁴⁶ It seems to me that the Septuagint by shortening the passage and reckoning the noun "angels" sufficient, did not record their forms.

In the same form we also hear about the cherubim which Solomon made of gold and placed in the temple, which Moses had made two-winged in the Tabernacle, wing joined to wing, who provided shade over the mercy-seat.¹³⁴⁷ Furthermore we hear that on the bases there were cherubim and lions and oxen, and shoulders of a man and hands, wheels like those of chariots.¹³⁴⁸ These do not describe accurately nor can they comprehend the ranks or forms, but only make likenesses, such as the flying metal-plated hosts of light.¹³⁴⁹ Micah describes the powers of heaven standing firmly around the throne of God,¹³⁵⁰ but he does not state the number of ranks or their names. But Isaiah names seraphim, and indicates their six-winged form and their declaring of glory,¹³⁵¹ while Ezechiel reveals other ranks and adds the tetramorphs and the four wings,¹³⁵² and this is similar to the base of the temple. But instead of the palm-tree of the former, this one is an eagle.¹³⁵³ Although as a mystery it means the same, yet in form it is different. Ezechiel also saw wheels of a different form and not like the base, but a wheel in the midst of wheels, new and wonderful.¹³⁵⁴ This seems to me another rank, because he calls the wheels individuals, since there was a living spirit in them.¹³⁵⁵ He also mentions other ranks which are many-eyed,¹³⁵⁶ and he refers to an awesome fire mixed [among them] and flaming.¹³⁵⁷ He indicates this as "individual."

¹³⁴⁶ Gen. 28.12. A host of winged men: Zohrab and the LXX have "angels of God."

¹³⁴⁷ III K. 6.27-8; Ex. 25.18-20, 37.7-9.

¹³⁴⁸ III K. 7.29-32. The general argument is reminiscent of Pseudo-Dionysius, *Heavenly Hierarchy*, II.1.

¹³⁴⁹ III K. 6.32.

¹³⁵⁰ This is not in Micah [spelled here *Mik'ias*, the Greek form].

¹³⁵¹ Is. 6.2-3.

¹³⁵² Ez. 1.5-6.

¹³⁵³ III K. 6.29; Ez. 1.10.

¹³⁵⁴ Ez. 10.10.

¹³⁵⁵ Ez. 10.17. Individual: *aranjnanan*, "distinct, separate, having its own hypostasis."

¹³⁵⁶ Ez. 10.12.

¹³⁵⁷ Ez. 10. 6-7.

Although the prophets said all this, yet in hidden fashion and not openly [they described] each rank. Likewise neither did the Lord reveal anything else in the Gospel, save only the multitudes of the heavenly bands.¹³⁵⁸

But the holy apostle Juda indicates clearly and openly to us seven ranks, and moreover mentions the names of each: angels and arch-angels, authorities, powers, thrones, principalities, lordships, seraphim and cherubim.¹³⁵⁹

Now saint Dionysius, the boast of the Athenians, the Areopagite, pupil and follower of the apostle,¹³⁶⁰ mentioned nine ranks. Those the apostle had combined as two in one he separated: the archangels from the angels, and the cherubim from the seraphim. He numbered them accurately as nine ranks by such an ordering; from whom we also learned and describe to you, lover of learning, as follows.¹³⁶¹

The lowest rank is that of angels, who are messengers and command-givers.¹³⁶² [133] Theirs is the declamation of glory, which the shepherds heard: "Glory in the highest to God."¹³⁶³

The second rank is that of archangels. Their praising is: "Lord, have mercy on your creatures," which Zacharias heard: "How long will you not have mercy on Jerusalem and the cities of Juda?"¹³⁶⁴

The third rank is that of authorities, who are the praisers of God's authorities, saying: "The heathen were given you for inheritance, and authority [was given] to you in all extremities of the earth."¹³⁶⁵

The fourth rank is the rank of powers, who are the praisers of the powers of God, saying: "Lord, powerful in battle."¹³⁶⁶

¹³⁵⁸ Mt. 26.53.

¹³⁵⁹ Jude v.6: angels; v.9: archangels; v.25: authority and power, but not as "angels." The other ranks are not in Jude.

¹³⁶⁰ Acts, 17.34.

¹³⁶¹ See Pseudo-Dionysius, *Heavenly Hierarchy*, III-X, for the nine ranks in groups of three: angels, archangels, principalities; authorities, powers, lordships; thrones, cherubim, seraphim.

¹³⁶² Command-givers: *hramanatar*, not in the Armenian text of Dionysius, but a common Armenian term; see references in Thomson, *Elishe*, p.24, n.3. In a religious sense it may be used of bishops, Clement, *Canon* 83 [= KH I, p.99].

¹³⁶³ Lk. 2.14.

¹³⁶⁴ Zech. 1.12.

¹³⁶⁵ Ps. 2.8. Authorities: *išxanut'iwkn'*.

¹³⁶⁶ Ps. 23.8. Powers: *zawrut'iwkn'*.

The fifth rank is that of the thrones, who are the praisers of the thrones of God, saying: "Your throne, God, for ever and ever, the rod of power, rod of your kingdom."¹³⁶⁷

The sixth rank is that of principalities, who are the praisers of God's priesthood, saying: "You are priest for ever."¹³⁶⁸

The seventh rank is that of lordships, who are the praisers of God's lordships, saying: "Your kingdom, a kingdom for ever."¹³⁶⁹

The eighth rank is that of seraphim, who are called fiery mouths, who are praisers of the thrice-holy, as Isaiah heard: "You are holy, holy, holy."¹³⁷⁰

The ninth rank is that of cherubim, who are called uppermost or great wisdom, who are praisers of God's majesties, saying: "Lord, of powers, heaven and earth are full of your glory."¹³⁷¹

These are the nine heavenly ranks and these are their tasks. Beyond this let no one imagine anything – like the wretched Origen who imagined more than the scriptures and was destroyed irrevocably.¹³⁷² He distinguished the heavenly ranks; and saying something astonishing, he thought up wickedness on high, saying words to the effect that men do not see the angels, nor do archangels [see] the souls of men, and the holy Spirit does not see the Son, and the Son does not see the Father. But far be it from us to utter such blasphemy; rather one should say the heavenly ranks are the praisers of the divinity.

They stand in order and divide the illumination; and then in proportion to their illumination they receive their ranks. As is the person of the Father, so also is the person of the Son and of the Holy Spirit. So as far as concerns the heavenly ranks, let this much be sufficient.

Now¹³⁷³ the church is like a beautiful bride who is reserved for the great groom, the son of the king, and who arranges her chamber

¹³⁶⁷ Ps. 44.7 = Heb. 1.8. Thrones: *at'ork'*.

¹³⁶⁸ Ps. 109.4. Principalities: *petut'iwnk'*.

¹³⁶⁹ Ps. 144.13. Lordships: *terut'iwnk'*.

¹³⁷⁰ Is. 6.3a; cf. Rev. 4.8.

¹³⁷¹ Is. 6.3b; but there "seraphim!"

¹³⁷² Origen is rarely mentioned in Armenian sources; see Mahé, "Origène et la baleine."

¹³⁷³ The parallel section in Nersēs of Lambron, *Commentary*, p.80, has this sentence, then jumps to p.135, line 8.

with beautiful order¹³⁷⁴, [134] so that very similarly to the royal ranks she may embellish the honour of the king's son. Likewise as a household of heavenly orders the church arranged its own likeness and ranks nine in number; for in the tabernacle we see nine ranks, of Levites and of ministers.¹³⁷⁵ Not all were made worthy of the same position, but they received their service in proportion to their worthiness.

The first rank: Moses and Aaron and their sons.

The second rank: the band of Amram.

Third: the band of Sahar.

Fourth: the band of K'eron.

Fifth: the band of Oziel.

Sixth: the band of Roben.

Seventh: the band of Semē.

Eighth: the band of Mooł.

Ninth: the band of Moosē.¹³⁷⁶

But if someone were to say that Moses and Aaron were from the same band, let him know that God separated them, because they were priests, in order to offer sacrifices and cast incense on the mercy-seat, and to take down the tabernacle and to cover it with its covering.¹³⁷⁷ But the other servants approached and took up according to their worthiness – some the tablets and the mercy-seat, and some the poles of the tabernacle and the cords, and the less significant implements of the holy vessels.¹³⁷⁸ And he commanded Moses not to camp with the other ranks, but on the east side of the tabernacle.¹³⁷⁹

So behold, we have clearly shown that they appear as nine in accordance with the heavenly ranks, and of old, the Levites.

The gifts which the holy Spirit sent are reckoned as follows: word of wisdom, word of knowledge, faith, grace of healing, success of

¹³⁷⁴ A common interpretation of the *Song of Songs*, e.g. Gregory of Narek, following Gregory of Nyssa; cf. Thomson, "Gregory of Narek's Commentary," p.456.

¹³⁷⁵ Cf. ch. 92 for Levites; but MG has no reference there to ranks.

¹³⁷⁶ Band: *gund*, the "tribe" of the KJV; this is based on Numbers, chs.2-3. Second-fifth: 3.19; sixth: 2.10; seventh-ninth: 3.18-20.

¹³⁷⁷ Num. 4.5-6.

¹³⁷⁸ Num. 4.25.

¹³⁷⁹ Num. 3.38; cf. Num. ch.2 for the different tribes camping on the four sides of the tabernacle

power, prophecy, discernment of the Spirit, varieties of languages, translation of languages.¹³⁸⁰

Again the apostle shows us clearly nine ranks of the church which God placed in the church, saying as follows, namely:

First: apostles.

Second: prophets.

Third: teachers. [135]

Fourth: powers.

Fifth: grace of healing.

Sixth: help.

Seventh: governors.

Eighth: varieties of languages.

Ninth: translations of languages.¹³⁸¹

Which are these:

The first ranks of the church are patriarchs, which are translated "fathers-in-chief,"¹³⁸² who have the thrones of the four evangelists.

So see the power of the mystery: in place of the tetramorph living beings were established the four evangelists.¹³⁸³ The figure of the man represents Matthew, because he says Christ was born like a man in Bethlehem.¹³⁸⁴

Mark is represented by the figure of the lion, because he said Christ ascended like a lion from the Jordan to Dathan.¹³⁸⁵ And Satan is called a lion because of eating carrion and plundering like a wild beast and devouring living beings.¹³⁸⁶ But our Saviour was called a lion because of his power, and by ruling over living beings. Mark also said the same: Christ ascended like a lion from Jordan, that is, to reign.

¹³⁸⁰ I Cor. 12.8-10.

¹³⁸¹ I Cor. 12.28 for the nine ranks.

¹³⁸² MG gives the Greek: *patriargk'*, translated as *hayrapetk'*. Nersēs of Lambron, p.81, and Step'annos, ch.26, have this sentence.

¹³⁸³ The four beings in Ez. 10.14 are cherub, man, lion, eagle; and in Rev. 4.6-9, man, lion, ox, eagle – as in MG.

¹³⁸⁴ Mt. 2.1.

¹³⁸⁵ Dat'an was swallowed by the earth: Num. 26.9-10, Ps. 106.17. There is no comparison of Christ with a lion in the gospels, but it is the theme of the *Physiologus*, §2.

¹³⁸⁶ I Pet. 5.8.

The figure of the ox represents Luke, because he said: Like an ox sacrificed for the world.¹³⁸⁷

The figure of the eagle represents John, as he describes the last preaching.¹³⁸⁸ He does not begin from earth or at the Incarnation, like the others, but soars like the swift-winged eagle, beginning by saying: "In the beginning was the Word, and the Word was with God, and the Word was God, through whom everything was made."¹³⁸⁹ Rightly it calls him a high-flying eagle and a bird of heaven.

So behold we have demonstrated, instead of heaven, the church; instead of the tetramorph living beings, the evangelists; and in their place the ranks of patriarchs and their thrones. The senior and greatest throne is Antioch, Matthew's; [then] Alexandria, Mark's; Rome, Luke's; Ephesus, John's.¹³⁹⁰

In this ranking the church was organised until the days of the kingdom of Justinian: in accordance with the tetramorph living beings, the streaming from the four corners of Eden,¹³⁹¹ the four-edged world, and the four evangelists, this world was divided into the authority of the four evangelists.¹³⁹² [136] But Justinian when he became king wished to transfer the throne of John from Ephesus to Constantinople, and persuaded the council; and that of saint Matthew from Antioch to Jerusalem,¹³⁹³ because up to his time those bishops were autocephalous – not being themselves under others, nor others under them – Constantinople because it was the royal city, and Jerusalem because it is

1387 Not in Luke as such; but *ezn* is the "fatted calf" of Lk. ch.15. Rev. 13.8 refers to the "lamb" sacrificed for the world, reflecting Is. 53.7.

1388 I.e. the preaching after the Resurrection in John, chs. 20-21; not preaching about the "last things."

1389 Jn. 1.1-3.

1390 These cities and evangelists are standard: e.g. Yovhannēs Drasxanakertc'i, *History*, XII 9. In his parallel passage Nersēs of Lambron, p.82, equates the cities with the evangelists on the grounds that Matthew wrote his gospel in Antioch, etc. From here the version in Nerses, p.82, picks up again; and Smbat begins.

1391 Gen. 2.10; the same comparison in Movsēs Dasxuranc'i, *History*, II 48. In accordance ... four edged world: not in Nersēs of Lambron.

1392 Although there is no variant in the text of MG, the reading of Nersēs of Lambron, p.82, "patriarchs" makes better sense here than "evangelists."

1393 Matthew, Antioch: Nerses, p.82, has Mark from Alexandria here. Movsēs Dasxuranc'i, II 48, refers to Justinian removing the *relics* of Matthew from Antioch to Jerusalem.

the city of the heavenly king. But at the councils the holy fathers had ordered the bishop of Jerusalem to have precedence.¹³⁹⁴

So we have spoken about the first rank of the church,¹³⁹⁵ the patriarchs who have apostolic dress and the fivefold *omophorion*.¹³⁹⁶ It is the task of the patriarch to ordain the archbishops who have been allotted to the four parts of the world. He gives the command for convening a council.

The second rank of the church is that of archbishops. These have as habit¹³⁹⁷ a foot-length robe and chasuble, and on top the fourfold *omophorion*. Their task is to ordain metropolitans and to bless the baptismal oil.¹³⁹⁸ And they have authority to ordain patriarchs.

The third rank of the church is that of metropolitans, which means "those of the mother city,"¹³⁹⁹ who have the same habit but the threefold *omophorion*. Their task is to ordain the bishops and to bless the baptismal oil for the sake of adding from the apostolic oil which the church keeps as a surplus. And three metropolitans have the authority to ordain their archbishop.

The fourth rank of the church is that of bishops, who have the same habit, but a double *omophorion*. It is their task to ordain all the clerics. Three bishops have the authority to ordain their metropolitan. And their task is to bless the altar, and font, and oil of unction.

The fifth rank of the church is that of *hiereus* and *papas*, which are priests and presbyters.¹⁴⁰⁰ The priests are in cities, and the presbyters

¹³⁹⁴ Cf. Nicaea, Canon 7 [= KH I, p.121]. Councils: Nersēs names Nicaea.

¹³⁹⁵ Step'annos Orbelean, ch.26, picks up again here; Nersēs, p.82 continues. For the nine ranks see also Movsēs Dasxuranc'i, II 48. He gives the same ranks for 1-6 & 9.

¹³⁹⁶ In what follows I have restored many Armenian words [often corrupted] to their Greek original. The commentary in Karst, II, pp.61-88, is very helpful. For this section see also Bartikyan, "O vizantijskom klitorologij."

¹³⁹⁷ Habit: *sk'em*, the Greek *schēma*.

¹³⁹⁸ Baptismal oil: oil "of sealing, *knk'oy*," not the oil of unction, *awcut'ean*, mentioned below. For "sealing" as baptism see Lampe, s.v. *sfragis*. Nersēs, p.83, refers to *meron*. At the end of this paragraph Nersēs adds: "In the same rank are *kat'otikosk'* ... who have more honour than archbishops!" Step'annos merely equates archbishops and "those called *kat'otikos*."

¹³⁹⁹ Those of the mother city: *mayrak'atak'ac'i*. In the Armenian canons "metropolitan" is usually rendered by "Catholicos."

¹⁴⁰⁰ Only here does MG distinguish clearly *k'ahanay*, "priest," from *erēc'*, "presbyter [lit. elder]." The Greek terms *hiereus* and *papas* are not common in

in villages and estates. Both are one [rank], except that for the sake of honour their titles are distinguished. Their habit is the same, except for the *omophorion*. For the latter merely throw a hood over both shoulders, while the former are allowed to stand on the *bema* with a cloak. Their task is to offer the liturgy, and to distribute the life-giving body, and to baptise, and to offer prayers, and give the peace; and where there is no bishop, to bless the cross and the holy liturgy.¹⁴⁰¹ If he has received a command from the bishop he also has the authority to bless the oil of unction, and to ordain readers and psalm-singers¹⁴⁰² and the religious.

The sixth rank is that of deacons. They have the same habit, save that they stand bare-headed, are without a girdle, and cast the stole over their left shoulder. Their task is to read the Gospel and to preach, and to bring the paten and chalice and shaker from the sacristy to the altar, and to make the distribution from the altar, and to burn incense, and to perform whatever ministry there is; and to sit [in vigil], not all the time but from night until the morning hour, and if the priest permits.¹⁴⁰³

There are also deacons ordained from among the women, [137] who are called "deaconesses," for the sake of preaching and reading the Gospel to the women, lest a man enter there or she go outside the convent. But when the priests perform baptism, they come to the font, because they wash the woman with the water of propitiation under the veil. Their habit is that common to all believers, save a cross is worn on the forehead, and they have a stole hanging down on the right side. Do not regard this as something new and irregular, because we have learned it from the tradition of the holy apostle, since he says: "I entrust to you Phoebe our sister, who is a servant of the church."¹⁴⁰⁴

Armenian. Here Nersēs and MG agree; but Step'annos has: "presbyters, who are priests, *eric'unk'ork'en k'ahanayk'*." Smbat follows MG, omitting the two Greek words. MD refers only to *k'ahanayk'*.

1401 Liturgy: *patarag*. Since this can also mean "sacrifice," the change in *G* to *mataḥ* [animal sacrifice on church grounds] is not so surprising.

1402 Readers and psalm-singers: left in the Greek forms *anagnos*, *psalt*. Step'annos expands here on unction, but Nersēs omits "If ... religious."

1403 T'orosyan interprets "to sit" in the sense of Laodicea, *Canon* 20 [= KH I, p.234]: "deacons may not sit in the presence of presbyters without permission." The version of this paragraph in Nersēs is longer.

1404 Rom. 16.1. Do not ... church: omitted by Step'annos; Nersēs omits the whole paragraph. Smbat follows MG. MD has no reference to deaconesses.

The seventh rank of the church is that of scribes,¹⁴⁰⁵ who are sub-deacons. Their habit is a divided robe without collar. Their task is to stand bare-headed and ungirdled on the *bema* and to hold the shaker, to pour water on the hands of the priests, to cense, and to attend to the vestments of the priests.

The eighth rank is that of readers.¹⁴⁰⁶ Their habit is to have their locks trimmed and their hair cut, and bare-headed to read the books of prophets and apostles in the middle of the nave and outside in the congregations. Their task is to stand by the door and to prevent the unworthy from entering the church; and also, when the deacon preaches, to expel the catechumens and those unable to communicate to go and pray by the doors.¹⁴⁰⁷

The ninth rank is that of singers, who are the singers of psalms.¹⁴⁰⁸ Their habit is not to appear in any other vestment except the common robes of the clerics, and to have white tunics. Their task is to sing the psalms and the *stichologia* out loud.¹⁴⁰⁹

Now there is after this yet another task for the patriarch whom the Franks call Pope:¹⁴¹⁰ to arrange also the ranks of kings. For if man is the image of God, and those who have been baptised in Christ have put on Christ, how much the more so are believing kings, who bear on their head the sign of the Lord's [cross]. They must imitate Christ, not only to humble themselves and endure the torments of Christ in their own bodies, but also to imitate his glory, which demonstrates the sweetness of our Lord and Saviour, so that the heathen, heeding the kings, may be zealous to come to the worship of the Lord our God.

¹⁴⁰⁵ Here the text of all the MSS of Recension A, except E, and the version in Smbat diverge, returning to higher ranks: 7th = bishops, 8th = Catholicoi, 9th = Pope. But Movsēs Dasxuranc'i, Nersēs and Step'annos have the same ranking as MS E of MG, printed by T'orosyan. Instead of "scribes, *dpir*," Nersēs repeats "deacons," adding "who are sub-deacons." MD gives "sub-deacons" for the seventh rank.

¹⁴⁰⁶ Readers: the Greek *anagnos*, as above. MD uses the Armenian word *ēnt'erc'oł*.

¹⁴⁰⁷ Their task ... doors: omitted by Step'annos. Nerses gives the guarding of the doors to the seventh rank.

¹⁴⁰⁸ Singers: the Greek *psalt*, as above, but here explained as *salmos ergot*.

¹⁴⁰⁹ Psalms and stichologia: Nerses and Step'annos read: "Alleluia and *mesedi* [a vesper anthem]." Here the parallel passages in Nersēs and Step'annos end.

¹⁴¹⁰ This is the only reference in MG to *P'rangk'* For the role of the Pope, *Pap*, cf. n.1405 above.

This is the likeness of the heavenly ranks:¹⁴¹¹

The angels: with apostolic dress in prayer.

The archangels: with a *clamys*.

The authorities: in a band with apostolic dress at prayer.

The powers: with apostolic dress.

The thrones: as consuls.

The principalities: with apostolic dress.

The lordships: with a crown [and] apostolic dress.

The seraphim: six-winged.

The cherubim: eight-winged and many-eyed.

Reflecting on all this, saint Constantine the king destroyed and abolished those ranks of the heathens which had been set up in accordance with sorcery. [138] Like those of heaven and the church he arranged the orders of the ranks for the honour of the kingdom and the honour of the palace.¹⁴¹² And he distinguished the places of each one's station, and indicated their tasks, which are the following:

The first rank of the palace is that of *silentarii*, who are guards of the golden crown. Their uniform¹⁴¹³ is a silken coat in the style of a *balanites*, and they hold golden rods. Their task is to precede the morning greeters and the others whom the king invites.

The second rank is that of *vestitores*, who hold the crown of the king. Their uniform is a brocade coat and weapons hidden in golden fascies.

The third rank is that of *candidatoi*, who hold golden pikes. Their uniform is embellished fine linen, and a golden collar on the neck. When the king is travelling, he has the holy cross carried by them. From among them [are appointed] the *spatharioi*, four men who carry the [king's] arms.

The fourth rank of the palace is that of *protectores*, who carry sabres and iron shields. Their uniform is a coat embellished with felt. When the king dies, it is they who carry the coffin and the palanquin.

¹⁴¹¹ For the following section on secular ranks see the extensive discussion in Karst, II p. 65-84.

¹⁴¹² In what follows MG reverses the ascending order of angels to a descending order of palace officials.

¹⁴¹³ Uniform: *sk'em*, as of the clerics' habit.

The fifth rank of the palace is that of *excubitores*, who are of large stature and carry embossed shields and small bucklers. Their uniform is perpendicular coats of linen, headbands, and hooked buckles and a double golden girdle. From among them [are appointed] the *scribones* and *mandatores*.

The sixth rank of the palace is that of *stratores*, who saddle his horse and mount the king. Their uniform is cloaks of variegated cloth and tunics, and in their hands are one-edged [swords] and small shields.

The seventh rank of the palace is that of *scholarii*. Their uniform is a coat of linen and a coat with brocade. They hold spears and black shields. From among them [are appointed] those who bear the flags and dragon-heads, and are called *signarii*.

The eighth rank of the palace is that of *dekani*, who are bowmen. They hold a double rod and unembellished, unadorned shields. Their uniform is a red coat of goat's [hair], and they wear sandals. When the king is at the *dromos*, they control the crowd. And the Hebrews call them *k'eret'i*.¹⁴¹⁴

The ninth rank of the palace is that of *cursores*, who are foot-messengers. Their uniform is a cotton coat adorned with embroidery and stockings; they wear slippers. And they are servants. The Hebrews call these *op'elet'in*. They all stand bare-headed and have belts; but these alone are beltless.

These are the ranks of the palace guards, military companies in each one's station, not castrated except for [the holders of] the golden crown. And this is their task and uniform.

There are other royal servants, some not castrated, and some castrated, who are not from the nine companies but are independent; they are not ranks or measures of number, nor positions of the guard, but are sometimes many and sometimes few.

The first: *demetritos*, who are messengers.¹⁴¹⁵ [139]

The second: *recitator*, who read the notices before the king.

The third: *a secretis*, who are the letter-writers of the king.

The fourth: *balneator*, who arrange the baths and wash the king.

The fifth: *triclinarius*, who are the chamberlains; they present to the king those invited to meals.

¹⁴¹⁴ *K'eret'i*, *Op'elet'in*. These two groups are mentioned several times in the time of king David; e.g. II K. 8.18, 15.18. Smbat omits reference to them.

¹⁴¹⁵ Smbat gives this list without the Greek titles.

Among the eunuchs are the *actuarii*, who are secretaries.

Those called *hospitarius*, who pour water over the hands of the king.

Those called *apocrisarios*, servants of the church.

Psaltos are those who sing antiphons and keep long vigils.

Spoudaios, religious of the city, whose task is to sing the sections [of the psalter] and the services and the canons.

The *abas* and monks, who wear rough garments and go to worship as they please.

Now the *psaltos* and *spoudaios* are *monakos*, that is, monks.

Dogmatikos are those who define the faith,¹⁴¹⁶ who learn profane theology and are involved in ecclesiastical [matters].

All these are not among the nine ranks of the church, nor do they approach the ministry. They do not mount the *ambo*, nor do they enter the *bema*; but they are all servants and praisers, arranged in the house of the Lord God.

We have not idly set this down in the lawcode, but so that you might know that through these the Armenians are indebted to the Greeks, just as the *History of the Aṭuank'* teaches and other [books].¹⁴¹⁷ Therefore it is necessary for this order to be established in the church by patriarchs; if they neglect it, they are shown to be perpetually guilty in the court of justice. Since by our Illuminator these orders of ministry appear in the church,¹⁴¹⁸ accordingly in the *History* of the holy Elišē these orders also appear, when he says: "with you are the readers and psalmists."¹⁴¹⁹ Likewise the names of the deacons are recorded in the canons and elsewhere.

So it is clear that this order is destroyed by the ruin of the churches, and afterwards by the sloth of the leaders.¹⁴²⁰ Although they contrive other reasons, yet they cannot justify them. And if in one way these are recorded in the book of saint Dionysius, but here in another way with a change, yet they keep the number intact;

¹⁴¹⁶ Define the faith: *hawatadir*, used by Vardan, *Chronicle*, p.66 of the muezzin.

¹⁴¹⁷ For parallels with Movsēs Dasxuranc'i's *History of the Aṭuank'*, see above, n.1395. What other sources demonstrate Armenian indebtedness [part] to the Greeks is not clear.

¹⁴¹⁸ In Agat'angelos, Aa §856, bishops, priests, deacons and readers are mentioned.

¹⁴¹⁹ Elišē, *History*, p.113.

¹⁴²⁰ For the decline of the present times cf. ch.2 of MG's Introduction.

hence they are not in doubt. Thus in accordance with true regulation one must govern the church with such an order in accordance with that of the heavenly [orders]. For if the court of the king is organised in this fashion, how much more so that of the heavenly king, Christ.

*Chapter 226*¹⁴²¹

Concerning the statutes if anyone sends out on business someone who is not his own [servant]

"If anyone send on business someone who is not his own [servant], and he is there waylaid,¹⁴²² he is guilty of blood."¹⁴²³ [140]

This canon bids one take care not to send frivolously on business someone who is not hired or is in some other manner [beholden] to him, because it commands the sentence of blood for those harmed.¹⁴²⁴

This statute is demonstrated both spiritually and bodily. But let there be an investigation of the manner of the benefits to the one who sent him, and of the circumstances of the death, [the risk being accepted] willingly or unwillingly.

*Chapter 227*¹⁴²⁵

Concerning the statutes for hired servants

"If anyone is a hired servant and says to the master of the house:¹⁴²⁶ "Send me," or "give me a task to do," and the latter makes known to him the impending snare of harm, but the hired servant in his pressing need accepts it, and the former repeats to him the claim of innocence, and death befalls the hired servant, he is innocent. But if he sends him or orders him to do work frivolously and the danger is witnessed by many, and the snare of death befalls him there, then he is guilty of blood."¹⁴²⁷

This canonical statute is clear. For when the hired servant goes willingly to a task, the sender is innocent. But if he is forced and is

¹⁴²¹ B: II 112.

¹⁴²² Waylaid: *orogayt'i*; cf. the "snare, *orogayt'*, of chs.222, 227.

¹⁴²³ MG returns to David's *Penitential*; *Canon 43*, lines 27-28.

¹⁴²⁴ Cf. ch.35 above.

¹⁴²⁵ B: II 113; cf. K: 149.

¹⁴²⁶ Master of the house: *tanutēr*; see ch.209 for a more specific meaning as "lord."

¹⁴²⁷ David, *Canon 43*, lines 1-9.

sent to a testified danger, he is under judgment of blood, even though [the servant] is hired.

Chapter 228¹⁴²⁸

Concerning the statutes for those who build a church in opposition

"Now you asked about building a church in opposition. Concerning that it is written: "He who destroys his ancestral fold, a snake shall strike and kill him,"¹⁴²⁹ that is, the decree and regulation which the prophets and apostles and *vardapets* of the church imposed. So whoever from among the bishops or priests obstructs the order established by our fathers and builds a church in opposition, they will anathematize him in death and life and depose him from all priestly rank. Others who were their accomplices will suffer the same punishment; and they shall leave the church that was built to the heirs of the site. Now if they will have acted philanthropically, they will give them the price of their labour; but if this were not to be the case, they shall destroy it quietly and not burn it. But if the whole congregation with bishops and priests and the united laity want the built [church], let no one dispute and oppose their unanimous commands. However, if anyone is presumptuous and sets fire to the church, or one of the elders¹⁴³⁰ through bribes [141] introduces violence and destroys the church, such people are fighters with God and should be placed with the crucifiers. But if they repent, let them do penance until death. And at the exit of their lives from the world let them communicate."¹⁴³¹

This canonical statute has been established full of all truth, since to build in opposition must be avoided because of covetousness. However, at the wish of the bishop and the others [the building] is confirmed, lest anyone treat the church as an inheritance and not allow another church to be built as necessary. For a church is always the inheritance of bishops and not of priests as they wish.¹⁴³²

¹⁴²⁸ B: I 114.

¹⁴²⁹ Ecclesiastes, 10.8.

¹⁴³⁰ Elders: *awag*; cf. "village elders," p.118.

¹⁴³¹ David, *Canon* 61; MG has added "Now you asked" at the beginning, and the final sentence, "And at ... communicate," at the end.

¹⁴³² As they wish: *est ink'ean kamac'*, lit. "in accordance with his own wish," i.e. of a priest. Cf. ch.207 for the church as inheritance, and ch.134 for the bishop's role.

*Chapter 229*¹⁴³³Concerning the statutes for those banished¹⁴³⁴

Now if anyone becomes worthy of banishment among those who were ever of ecclesiastical rank, according to the law let it be handled as follows. Deacons and priests will be deposed by the bishops, because he it is who ordained them. Deaconesses by deacons; and laity and nuns and the religious¹⁴³⁵, and those who ever were ordained by a priest, [will be excommunicated] by the priest. Bishops by each one's consecrator; and a Catholicos¹⁴³⁶ either by a Catholicos or by other consecrating bishops; and a *vardapet* by the *vardapets* who bestowed their rank.¹⁴³⁷ But according to the law it is not for *vardapets* to banish a priest by removing his status, but only to depose him. Likewise he will be authorised to admonish each rank and reproach them and correct them. But let him banish through their own lords, that is, through those who ordained them, because he has authority over them all through excommunication.¹⁴³⁸ But patriarchs have authority over everyone, but not everyone over him, except those who ordained him.¹⁴³⁹

*Chapter 230*¹⁴⁴⁰

Concerning the statutes for exiled kings and those under the same

Kings established by God, like those of Israel, may be removed or exiled by God; while those established by men may be exiled by the

¹⁴³³ B: I 115; cf. K: 71.

¹⁴³⁴ Banished: *ak'soreal*, lit. "exiled." The term is only used here and in ch.230, where the literal sense is clear. The infliction of exile, *ak'sor*, as a punishment in the Syro-Roman code, esp. §119-20, is irrelevant for MG.

¹⁴³⁵ Nuns: *hawatawor*, see p.27; religious: *krawnawor*, see p.19.

¹⁴³⁶ Smbat's Code, Karst I, p.106, adds here "Pope," as superior to a Catholicos.

¹⁴³⁷ Who bestowed their rank: *hramanatu*, not attested in classical Armenian, but found in modern Armenian for a person in authority. My translation follows Smbat's Code: *hamank' tuawł*.

¹⁴³⁸ Excommunication: *ban*, as in ch.204. Lord: *išxan*, here in an ecclesiastical sense.

¹⁴³⁹ According to *Canon 5* of Karin [= KH II, p.251], a priest is to be deposed, a layman excommunicated, but a bishop must leave the province and remain "in exile" until his death.

¹⁴⁴⁰ B: II 114; cf. K: 70.

same. If princes¹⁴⁴¹ make kings, and the latter does not govern the kingdom worthily, he may be exiled by those same ones who appointed him. But it is not right for their sons to remove them.

Now the kingship is personal, descending from father to son.

Princes whom the king establishes may also be exiled or punished by him. [142]

Now to punish a king, if such is necessary to keep the peace, should be done with the agreement of another king and the patriarch, with the consent of all.

If princes and nobles appoint a prince for themselves, by the agreement of them all he may be exiled and punished. But a prince established by a king is to be exiled and punished by the king.

The prince of princes¹⁴⁴² may punish or exile a prince or noble. If he has been appointed by them, he will act with their agreement; and if by the king, he will act with the king's consent.

Nobles are not permitted to punish soldiers, but to dismiss them. But princes may be permitted to punish them.

Likewise soldiers may not exile or punish peasants,¹⁴⁴³ but nobles may exile them, and princes punish them.

I know that this is a legal statute in this form in the courts of kings.¹⁴⁴⁴

Chapter 231¹⁴⁴⁵

Concerning the statutes for those who harm animals in removing them from [doing] harm or not

If an animal, of those clean or unclean,¹⁴⁴⁶ enters a field or vineyard or another suchlike, which is stacked with sheaves or hay, and the owner [of the field] in anger strikes and kills it, the statute shall be: to recompense by purchase the damage caused, and the one who struck will compensate the dead animal in full according to the law,

¹⁴⁴¹ Princes: *išxank'*; cf. ch. 2, n. 303.

¹⁴⁴² Prince of princes: *išxan išxanac'*, a title of the 7th century and later, superseded by the ninth century monarchy; see Toumanoff, *Studies*, p.387, n.17.

¹⁴⁴³ Peasants: *šinakank'*; see ch.2: peasants are subject to nobles.

¹⁴⁴⁴ I.e. in Georgia. MG indicates that Armenia no longer had kings, pp.8, 25.

¹⁴⁴⁵ B: II 115; cf. K: 160, 170.

¹⁴⁴⁶ Clean or unclean: see MG's comments in ch.67.

because it was right to remove it from [causing] harm, but not to kill it. When it is struck let there be an enquiry. And if it was scared and fell down and died, because [the owner of the field] did not intend its death but to drive it away, let these cases be among the involuntary ones: he will restitute half of its value.

His intention will be investigated in the matter of the blows. If the blow is curable, he will pay for the loss and the healing. But if the blow is incurable, if to the feet and it is a clean animal, he will give the value in full and the carcass shall be his; but if it is unclean, he shall compensate the whole. If he makes it blind, or knocks out a tooth, or breaks a horn or a rib, even if it is cured, dividing the value into four he will give one part for each injury; and this will apply to edible and non-edible [animals].¹⁴⁴⁷ If he cuts off the tail, this will be one of the four parts.

But if the owner of the animal has often mentioned the [potential] harm, but he paid no heed, let these circumstances be reviewed and judgment thus be made.

If lameness of the feet remains, the fine shall be one fourth of the value.

In the case of those causing harm in jest or frivolously,¹⁴⁴⁸ the fine shall be increased when it is hurt, and restitution of the value made when it is killed. [143]

Chapter 232¹⁴⁴⁹

Concerning the statutes if with evil intent or in jest someone scares a horse, and someone falls from it and dies or is hurt, or if from some other animal; or if it is scared without cause on merely seeing someone

If someone is of mature age and acts with evil intent, and the one who falls dies, a judgment of blood will be exacted, as is written.¹⁴⁵⁰ For a hurt person he will give the [cost] of healing and maintenance. For the one hurt in his faculties, as it is written,¹⁴⁵¹ so let compensa-

¹⁴⁴⁷ Edible, inedible: *uteli*, *anuteli*, i.e. the clean and unclean.

¹⁴⁴⁸ In jest: *ënd xal*, or "at play," as of children in ch.23. Frivolously: *vayrapar*, as of youths in ch.26.

¹⁴⁴⁹ B: II 116; cf. K: 152.

¹⁴⁵⁰ See chs.65-72 for those hurt by animals.

¹⁴⁵¹ Cf. ch. 63.

tion be given. But for the one not perfectly healed, half of the [fine for loss of] faculties will be exacted.

If it occurs in jest, it will be the same statute, because it was right not to jest or cause a fright. But let there be dispensation, because of the custom of the world,¹⁴⁵² to pay compensation up to a half, or let it be a third. In the same way let penance be made, if he does not go to court. But if he is a child, let his age be considered, as was written above,¹⁴⁵³ and let him be judged thereby, both for acting with wicked intent or in jest.

In all this let the voluntary and involuntary [motivation] be reviewed scupulously; because it is quite involuntary when repentance follows, but joy is the mark of a voluntary [action].

But if on its own it is scared on seeing someone, and in this way the mortal injury occurs, if it is one of the foreign enemies – because naturally they would rejoice at our destruction¹⁴⁵⁴ – let the sentence be half the blood [price]. But if it is a Christian enemy, half of the half; but with penance let it be half [of that]. And by these [statutes] they will be judged for the one hurt and the one damaged in his faculties.

Now if there is no enemy, but it causes harm through a frightened movement, let him not be innocent because of warning at another time. On investigating, let the fine be small in all these cases. But if it is caused by a moderate movement and in the course of travelling, let there be no sentence of a fine, save according to his own scruple and wish. In like fashion let the penance be made.

*Chapter 233*¹⁴⁵⁵

Concerning the statutes for involuntary and voluntary murders¹⁴⁵⁶

An involuntary murder occurs in many ways, but let us give examples to a limited extent. It is as follows.

When someone chops wood and the [head of the] axe flies off, it may hit someone and kill him. [144]

¹⁴⁵² MG frequently notes variation in local customs; e.g. pp.3, 146-7.

¹⁴⁵³ See ch.22 for the age of responsibility.

¹⁴⁵⁴ Foreign: *aylazgik'*, i.e. Muslims. For their rejoicing at harm to Christians see chs.173, 233.

¹⁴⁵⁵ B: II 117; cf. K: 151 b, c.

¹⁴⁵⁶ See ch.173 for many of the items collected in this section; only new points will be noted.

Or when wood or a stone is dropped down from a height or from mountains, and hits and kills [someone].

Or if someone throws a stone out of a vineyard or garden or some such [place], and kills [someone].

Of it someone throws a stone into a tree in order to knock down fruit, and it hits and kills [someone]; or to knock down fruit from a tree and the stone remains in the tree, but a branch or some such falls, whence death ensues.¹⁴⁵⁷

Or a *vardapet* may strike his pupil moderately for punishment,¹⁴⁵⁸ or a father his son, or a mother her daughter, or a mother-in-law the bride, or a brother his brothers, or a master his servant, or the mistress her maid, or somebody someone else, whence mortal harm is caused.

If a man leads his horse across a public square, or some other animal, or a cart, and tramples [someone] under foot, so death occurs.

Or someone may shoot an arrow at the quarry, or at a target, or in an [open] place, and it hits someone and kills him.

Or someone throws a stone, thinking it is a pumice-stone.¹⁴⁵⁹

There is another kind of involuntary [murder], when a brother pursues his brother in order to kill him, and the latter is obliged to turn round and kill him;¹⁴⁶⁰ or someone [pursues] someone else.

Or if one falls among brigands and is forced to kill.¹⁴⁶¹ These [killings] may be voluntary or involuntary.

Now to kill during war [may be] voluntary or involuntary.

If at night someone plans to strike the enemy, but hits and kills his friend. This also can be voluntary or involuntary.

If someone shoots an arrow and it hits an enemy and kills him, this can be voluntary or involuntary.

As for the voluntary [sort]: If anyone strikes a man hard with a stick intending to correct the malefactor, until he draws blood, from which he may die.

¹⁴⁵⁷ Cf. Basil, *Canon* 5 [= KHI, p.338].

¹⁴⁵⁸ See p.103: a *vardapet* may strike and inflict punishment "in the customary way." Cf. ch.236 for using more violence than customary against servants.

¹⁴⁵⁹ Pumice-stone: *kisar*, not in the NBHL, but cf. Syriac *qsr*. I.e. something too light to cause harm.

¹⁴⁶⁰ Athanasius, *Canon* 29 [= KHI, p.302].

¹⁴⁶¹ Cf. ch.170.

Likewise, if anyone with stone or stick inflicts a harsher beating than necessary, he is considered among those who kill with a sword, or some other such thing.

Likewise if anyone wields an axe and the blow appears [inflicted] by the heaviness of the iron, or by a sword or by hands, from the multiple appearance of the blow inflicted on him it indicates what has happened.

In the same fashion, without any blow being struck there are voluntary crimes which are committed by brigands.¹⁴⁶²

Now wives are accustomed to killing husbands by making them drink poison.¹⁴⁶³ [145] Likewise, he who gives his relative poison out of envy is reckoned among those guilty of death. The sentence is equal for men and for women.

So these and those like them are voluntary murders. The involuntary [sort] and those combined of them both are as has been shown. And the cure is clearly through confession.

But let us give an example of the statute. As was written in the statutes for kings, although a foreigner may kill a Christian involuntarily, in that he rejoices he is to be judged as a voluntary [murderer] for the blood price.¹⁴⁶⁴ But a Christian killing a Christian is voluntary.

Now it is voluntary when he kills for envy of a wife, or for the sake of possessions, or for ambition,¹⁴⁶⁵ or for some other reason; let him be judged in full, as has been written. And if he kills a foreigner, as was there shown,¹⁴⁶⁶ let him be judged. But if it was involuntary, and the one killed happens to be an enemy, over which he rejoices, let him be judged as voluntary, or with clemency,¹⁴⁶⁷ at half, as was written in the statutes for kings.¹⁴⁶⁸

But if it is completely involuntary, let him be judged accordingly; and if mixed of voluntary and involuntary, let him be judged in accordance with that.

¹⁴⁶² If anyone strikes ... brigands: All this is based on Basil [Canon 5 = KH I, p.338-9], to whom MG had alluded in ch.173.

¹⁴⁶³ For wives using poison cf. ch.19, 145, and further texts in Thomson, "Let now the Astrologers stand up."

¹⁴⁶⁴ See ch.2, "statutes for kings;" and ch.32 for Muslims rejoicing.

¹⁴⁶⁵ Ambition: lit. "glory, *p'ark'*."

¹⁴⁶⁶ I.e. ch.232. Cf. David, *Canon* 59, for the slaying of Muslims who come on raids.

¹⁴⁶⁷ Clemency: lit. "dispensation, *nerumn*," for which see the Introduction.

¹⁴⁶⁸ Ch.2, at p.30.

*Chapter 234*¹⁴⁶⁹

Concerning the statutes for those who cause harm through water

If it happens that someone brings water through a channel for some purpose or for the sake of irrigation, and he finishes his task and leaves, and causes damage to his neighbour's vineyard or field or habitation, if he was careful and he himself was punctilious to give warning and the damage was done involuntarily, by the statute he shall pay half of the damage. But if he was lazy and heedless and did not take care, and the person was not warned and some damage occurred, he shall be fined the whole amount, especially if he acted maliciously. However, let the manner be investigated, by whom it was caused and how – by a hired servant, a mature person, or a minor, at night or by day; and let the rest be judged in this way.

*Chapter 235*¹⁴⁷⁰

Concerning the statutes for doctors

Many doctors work much harm through drugs or in testing drugs on others.¹⁴⁷¹ Either through malice they kill with drugs, or because of ignorance they prescribe harmful sorts of drugs; or being untrained they do not know how to recognise diseases, and on that account bring about death for the ill; or they are lazy because the fee is not paid in accordance with their wishes, and thus they cause harm; or by envy of pupils they do not teach correctly, and the latter, being ignorant, [146] work much harm; or if they introduce some other painful afflictions, either themselves or through their pupils – we recognise all these as voluntary.

But involuntary [kinds are as follows]. From the laziness of those who look after the sick one harm occurs; or from [the laziness of] the sick person; or because at his bidding they do not care for the sick person; or from some great necessity there was no means for the doctor to come to the patient, and for that reason death occurred; or he deliber-

¹⁴⁶⁹ B: II 118; cf. K: 150.

¹⁴⁷⁰ B: II 119; cf. K: 151 a. For the honoured status of medicine see p.32, and for doctors the references at p.40.

¹⁴⁷¹ Drug: *deſ*, which is ambiguous, being used for both medicinal and baneful substances.

ately¹⁴⁷² gave a drug for recovery, but it was a cause of death. In this same way let amputation and cauterization be judged by these criteria.

So let it be a judgment of blood for the voluntary kinds, if the harm becomes clear. But if it is known through confession,¹⁴⁷³ let there be the penance for a voluntary [offence]. But for an involuntary one let him be innocent in both cases.¹⁴⁷⁴ But for the harm from a voluntary and involuntary,¹⁴⁷⁵ let him not be innocent on both accounts.

Chapter 236¹⁴⁷⁶

Concerning the statutes for those who strike or use force on someone for some task, from which mortal harm ensues

If anyone sends someone on a task by compulsion and mortal harm ensues, [it may be] of the following sort. If he forces him to climb a tree and knock down fruit, or forces him to cross a river, or forces him to mount a horse which is stubborn, or some such, or he uses violence, but he is not one of his own [servants] or hired, and death occurs, it will be a judgment of blood, voluntary or involuntary; more so for those who use violence. But as regards a hired man or his own [servants], if he uses more force or violence than customary, he is subject to the statute, be it voluntary or involuntary.

Chapter 237¹⁴⁷⁷

Concerning the statutes for labourers who work in vineyards, those [working] on a private co-operative basis,¹⁴⁷⁸ and those hired

Concerning those who work in vineyards and others I am not able to describe accurately the model because of the varied customs of pro-

¹⁴⁷² Deliberately: *gitut'eamb*, lit. "with knowledge." I.e. the effect of the medicine was the reverse of that expected.

¹⁴⁷³ Cf. p.150 for crimes being known through confession. On p.153 MG indicates that he personally heard of problems through confession.

¹⁴⁷⁴ I.e. whether the result becomes clear later, or is revealed in confession.

¹⁴⁷⁵ I.e. if the motives are mixed and the death is caused partly voluntarily, partly involuntarily.

¹⁴⁷⁶ B: II 120; cf. K: 150.

¹⁴⁷⁷ B: II 121; cf. K: 174.

¹⁴⁷⁸ Private: *hakaraš*, but in recension B *harakaš*. See the *HArMB*: "companion, friend." Co-operative: *ėnkerawor masnaworac'*, "participating as companions."

vinces and countries.¹⁴⁷⁹ But let us give a small indication of the law, so that this may remain confirmed in their regard according to the customary decision.

So, let no one illegally work any extortion, but let him make the division with his fellow legally. If any among them is found to be a thief, let him be fined double and not quadruple according to the Law,¹⁴⁸⁰ because he committed a crime against his own labours and not another's. For that reason I think indulgence is legal.

Now let the wage of hired labourers¹⁴⁸¹ be judged in seasons of plenty and scarcity; let it be more in scarcity and less in abundance. Likewise let it be [adjusted] for the regions. [147]

*Chapter 238*¹⁴⁸²

Concerning the statutes for shepherds and herdsmen

Shepherds and herdsmen are distinguished as to wages according to the custom of the provinces; but for [the sake of] truth, as they were set let it be preserved for them.

Let them be on their guard bravely; and if [an animal] happens to be mauled by a wild beast, when it does not occur from laziness, let him bring a witness to the carrion, and he will be innocent.¹⁴⁸³ But if he is not nearby, and the reason is his lack of attention or something else, so that if he had been nearby there would not have been any loss, by statute he is to pay for them, either in full or at half. In full if it was totally from carelessness; at half if [the reason] was mixed.

If the loss was from involuntary [causes], let them not be deprived of their wages. But if they should be robbed out of laziness or other such reasons, by statute he is to pay. However, if it did not occur from such [reasons] and was totally involuntary, he is innocent.

If he stole himself and it comes into the open, according to the Law he has to pay.¹⁴⁸⁴

If it is attacked and killed, let there be compensation: by a stone or a wild beast, similarly to mauling or striking a pregnant woman and

¹⁴⁷⁹ MG often notes that there are divergences between local customs, e.g. p.3.

¹⁴⁸⁰ Ex. 22.1.

¹⁴⁸¹ Labourer: *mšak*; cf. p.129, *gorc mšaku't'ean*, "agricultural work."

¹⁴⁸² B: II 122; cf. K: 175.

¹⁴⁸³ Ex. 22.13.

¹⁴⁸⁴ Ex. 22.4.

causing harm.¹⁴⁸⁵ Similarly, if it were to die on going out into the wild, when he was unattentive and not nearby. Let it be the same for those who care for horses and the others.

Those [animals] that strike and kill each other, let them be judged in accordance with the Law.¹⁴⁸⁶

*Chapter 239*¹⁴⁸⁷

Concerning the statutes for gifts to a church – land, or water, or a vineyard, or some other such thing

If a church should become ruined to which the gift was made, either in a monastery or in a village, and the local people living there [wish to] take it and consume it,¹⁴⁸⁸ the donors will be authorised to take it away and offer it to other churches, if there is no plan to rebuild. But if there is [such an intention], they themselves are to administer it spiritually until it is rebuilt, and then let them restore it. But they are not to keep it for themselves, because it is God's from the time it was donated.

But if it happens that another church receives the congregation of the ruined church, when it is rebuilt let the bishop restore it without any opposition.

If anyone wishes to build a church for the congregation of another [parish] in opposition,¹⁴⁸⁹ let the bishop forbid it. But if they demand it as being needed, with the permission of the bishop let it be built.
[148]

*Chapter 240*¹⁴⁹⁰

Concerning the statutes for markets

Let markets be established with the permission of kings in cities, or by princes with the permission of kings either in cities or in towns,

¹⁴⁸⁵ Cf. ch. 62, based on Ex. 21.22-23.

¹⁴⁸⁶ Cf. ch. 66, based on Ex. 21.35.

¹⁴⁸⁷ B: I 116; cf. K: 61.

¹⁴⁸⁸ I.e. use the money for other purposes. Wish to: rendering the future/subjunctive form of the two verbs.

¹⁴⁸⁹ Cf. ch. 228 for opposition.

¹⁴⁹⁰ B: II 123; cf. K: 112. Markets: *vačark'*; see p.13 for the range of meanings.

or in other places in the provinces. With foresight let them regulate the measures and weights and balances, having regard for the importance of the market. Let them arrange to continually seek out trouble-makers,¹⁴⁹¹ and to see that no fraud is practised.

Punishment for the cheaters will be carried out according to the command of the princes.

Thieves in measures and weights are to restitute fourfold,¹⁴⁹² and are to be ignominiously reprimanded for the intimidation of the others.

Those who counterfeit *dahekans* and *drams*¹⁴⁹³ are to have their hands cut off at the command of princes.

Taxes should be levied lawfully, when they go to trade in cities or provinces. Let there not be taxes on the highways if they are not engaged in trade, but fees only if they are protected from enemies attacking them.¹⁴⁹⁴

Let tax [be levied] at the command of kings, and let princes likewise tax at their command.

Let those who deceive the ignorant at markets be punished as thieves.

Let it be [allowed only] with the permission of kings or princes to alter up or down the price of bread or wine or other such things, in accordance with the fertility of the year or for some other cause; likewise for scarcity and for similar causes, making this known to the governors of provinces and heads of the people.¹⁴⁹⁵ But let it be forbidden for merchants who are not indigent to deprive the poor according to the needs of merchants or the wealthy. Let princes move prices up or down by just oversight, lest labourers and other workers, and likewise traders, be cheated and deprived of each one's labour. Let judges act with accurate investigation at the command of princes.

¹⁴⁹¹ Trouble-maker: *krp'ic'*, lit. "one who beats with the fist, punches."

¹⁴⁹² Cf. Lev. 19.35-36.

¹⁴⁹³ Those who counterfeit *dahekans* and *drams*: *dahekanahat*, *dramakop'*, only attested here in the *NBHL*. Compounds in *-hat*, "to cut" are very common; but those in *-kop'*, "to carve, chisel," much less so.

¹⁴⁹⁴ Taxes, fees: *mak's*, cf. *mak'sawor*, "tax-officer," p.19; *varj*, as in ch.238 for "pay."

¹⁴⁹⁵ Governors of provinces, heads of the people: *gawarapet*, *zołovrdapet*; only here in *MG*.

*Chapter 241*¹⁴⁹⁶

Concerning the statutes for all artisans who cheat

Artisans in whatever profession it may be, whether they work by the piece or for a wage, when their work does not please their master but they spoil the material, by statute they are to do it again in accordance with the latter's wishes; or to make up in value what is subtracted from the price, and then be paid full wages. Otherwise, let them make up what is lacking from their wage according to the value as the judges view it.

When thieves are discovered, let them make restitution in accordance with the Law¹⁴⁹⁷ and pay for what has been lost. [149]

What has been damaged by moth or mouse, if it should be that kind of material, because it was stored for a long time in their possession, or anything else which is damaged, let them retribute according to the code, because they gave it to be worked on and not spoiled.

But if they are stolen from them, and also their own, and they be proved innocent, they will not be liable. But if it is the product only and it was taken from a secure place, let it be repaid at half; but if he put it in an insecure place, let them repay it fully.

They will not be liable for those who came to plunder.

But they will pay for what was placed as a pledge and lost.

Now that burned by fire by common enemies they will not repay; but they shall compensate for what was [burned] by their own fault.¹⁴⁹⁸ But [that which is lost] because of their masters' [fault] will not be repaid. Let them adjudicate this in such fashion.

*Chapter 242*¹⁴⁹⁹

Concerning the statutes for hired workers who damage their tools

Hired workers who use their masters' tools, like those who work the land,¹⁵⁰⁰ when they damage their tools in the normal course are

¹⁴⁹⁶ B: II 124; cf. K: 140. Artisan: *aruestawor*, as in ch. 179.

¹⁴⁹⁷ Ex. 22.12.

¹⁴⁹⁸ Cf. ch. 179.

¹⁴⁹⁹ B: II 125; cf. K: 141.

¹⁵⁰⁰ Those who work the land: *erkragorc*, common for "farmer," but only here in MG.

not liable; but if they damage the tools through their own [fault], payment must be made to the masters. Now as for those who use their own tools, like reapers, the damage will be their own. But if they take the master's [tool] on hire, and it is damaged in the normal course, it will be the master's [responsibility]. If one takes a vessel from its owner and damages it, let payment be made. As for malicious damage, let payment be made.

*Chapter 243*¹⁵⁰¹

Concerning the statutes of the code

We must understand statutes of the code as follows. When it indicates double punishment for a murderer or other malefactor, one must investigate; for when they take the blood price, the penance is light. Although by the blood price payment is assumed, let them not do so without penance; because there is no price for a man; but only substitution for his death according to the Law and canons.¹⁵⁰² Although by buying his own blood he is reckoned [to pay for] that of the person killed – yet there is no price for a man – let it be completed by penance; because the price was set in accordance with ability [to pay], and not in accordance with worth. It will be sufficient if he is not evil by habit; but if there is some suspicion of further harm, let him receive punishment also in the hands.¹⁵⁰³ But if he is poor, let the punishment [alone] be sufficient.

Now as for fines concerning the royal court, it has been written [above] as far as possible.¹⁵⁰⁴ [150] As for plunder, instead of a fine let the blood price be that of their own. Let this be done according to the code for those that come to light; but let the undiscovered be corrected through confession according to its rule.¹⁵⁰⁵

At the same time let every judgment be effected with scrutiny according to the case.

¹⁵⁰¹ B: II 126.

¹⁵⁰² I.e. a death for a death, as Ex. 21.12, etc. See ch.2 for MG's discussion of the blood price [365 *dahekans*, though this is not a worthy price, since man is the image of God], and the commutation of the death penalty "because of the philanthropy of our religion."

¹⁵⁰³ As in ch.2.

¹⁵⁰⁴ I.e. in ch.2.

¹⁵⁰⁵ Cf. ch.235 for knowledge through confession if a crime is not made public.

Now let the punishment be comparable with the damage, like cutting off the male member of malefactors,¹⁵⁰⁶ imitating the divine judgment according to the saying: "He will compensate each one according to his deeds"¹⁵⁰⁷ – like thirst for the rich man in return for not giving drink;¹⁵⁰⁸ and fire for those who desire evil;¹⁵⁰⁹ and torments for the merciless;¹⁵¹⁰ and darkness for those who hate the light of knowledge;¹⁵¹¹ and so on accordingly. Let our code also be similar to these.

Chapter 244¹⁵¹²

Concerning the statutes for those who grind at water-mills

Let millers¹⁵¹³ be skilled in the art of [using] all their apparatus, lest they ruin the food which is being ground up by recklessness.¹⁵¹⁴ By statute one does not pay such causers of damage, but rather fines them for the damage. But if the cause is from the dampness of the [grain] to be ground, they will be innocent; let them compensate for that ground into water. But that which is stolen [let them repay] four-fold, and let there be an ignominious reprimand for those who cause trouble.¹⁵¹⁵ If the miller [grinds] more than what was prepared, if he moves up or down the stone of the water-mill and does any damage, let payment be made by him, for it would have been proper to tell the one who prepared it and not to be arrogant himself.

Now the fee is different according to the province;¹⁵¹⁶ they vary from the lack of bread and water or their abundance. Let this be not defined in the details of the code.

¹⁵⁰⁶ Cf. ch.28 for castration of adulterers.

¹⁵⁰⁷ Mt. 16.27, with numerous OT parallels, e.g. Ps. 27.4.

¹⁵⁰⁸ Lk. 16.19-31.

¹⁵⁰⁹ Mt. 13.41-42.

¹⁵¹⁰ Mt. 25.46.

¹⁵¹¹ Based on Mt. 8.12, Jn. 3.19-20.

¹⁵¹² B: II 127; cf. K: 173.

¹⁵¹³ Millers: *jrālac'pan*, only attested here in the *NBHL*, "one who runs a water-mill."

¹⁵¹⁴ Which is being ground up: *bazmatanjn*, lit. "which is greatly tormented," an expression used of martyrs; see the *NBHL*.

¹⁵¹⁵ Those who cause trouble: *krp'olk'*; cf. *krp'ič'* in ch.240.

¹⁵¹⁶ See the Index, s.v. *Custom*, for references to local practices in different provinces.

*Chapter 245*¹⁵¹⁷

Concerning the statutes for those who send out horses or other four-footed animals to work, or to water or to plough under the temporary control of others, and they are harmed

This often happens, that one has someone send out a horse or something else on a task, and there harm occurs, either at water, or in ploughing, or when leading them about.

If [the horse] is high-spirited and he did not take heed and forcibly sent it out, and the rider fell and died, it will be the statute for voluntary [manslaughter]. [151] But if he took precautions, and it was not high-spirited and he did not use force, it is a case of involuntary [manslaughter], because he was not one of his own people or a hired worker.

But if someone willingly went out for pay and galloped, and he took heed but, it being high-spirited, he fell off; or if he was inexperienced, especially if he is of mature age, the master of the animal will be innocent. But if he is a youth, let him not be guiltless. Now if he falls off but does not die, let them be judged by these [rules] and pay the [expenses] of maintenance and healing; likewise for incomplete healing and damage to the faculties.

But if the riders harm the horse or any other animal, either by breaking [a limb] or killing it, if he observed the customary procedure¹⁵¹⁸ when riding, or rode it at the command of the one who sent him when he sent him off, then the rider will not be liable, provided he will convince [the court]. But if he galloped and did not ride according to instructions, or pushes it through difficult terrain and harms it, he will be fined in full, less a part. But if those leading [the animal] were willing, the whole.

*Chapter 246*¹⁵¹⁹

Concerning the statutes for the so-called "ground-money"¹⁵²⁰

What is now called "ground-money" is not [required] by the

¹⁵¹⁷ B: II 128; cf. K: 168.

¹⁵¹⁸ Procedure: *hrahang*, lit. "exercise, skill."

¹⁵¹⁹ B: I 117; cf. K: 46, 47.

¹⁵²⁰ Ground-money: *hoṭadram*, i.e. money paid on the burial of the dead; Smbat's Code, Karst I, p.68, explains the term. See David, *Canon* 35, for demands of money by priests for burial [and other duties].

canon-laws, because the canons mention [only] the bed and other such things which a person possesses.¹⁵²¹ It is clear that the ground-money was created by simoniacal¹⁵²² priests in order to sell tombs, since it is handed down to receive money even [in] the Gospel.¹⁵²³ But Christians give the ground-money in accordance with their hope. Yet with these [the priests] are not satisfied, but they act tyrannically and cause stumbling, for which they are to give reckoning. Or because they wished to give to other priests according to ability, they learned from that to demand [money] themselves as well. It is not right for other priests to go to the dead, unless the dead man's priest summons them. But if he is a friend or goes to mourn for some other reason, let him not receive anything.

Now when a priest dies who is a secular [priest], if there is no heir [the inheritance] shall belong to the judges, as was demonstrated in their rules.¹⁵²⁴ But let his own bishop take the dues, and his clothes and bed, for he is the one who ordained him; and let him give the congregation with their agreement to another priest. But if there is an heir and a worthy one, let him not transfer [the congregation];¹⁵²⁵ but if [the heir] is unworthy, let him transfer it because the congregation is not an inheritance¹⁵²⁶ but it belongs to the bishop. The congregation is the priest's¹⁵²⁷ whom he ordained; it does not belong to anyone from his house, because the canons forbid the brothers of priests to be supported by a congregation. Likewise, the congregation does not belong to the bishop, unless there are only wife and children. In this fashion let each ordainer support the one ordained.

A patriarch, because he is ordained by many, many should support. As his court is enjoyed by many, let it belong to many as was written.¹⁵²⁸ But if the patriarch does not wish, [152] let it be his own.

¹⁵²¹ Cf. Sahak, *Canon* 40 [= KHI, p.398-9], which refers to the bed, etc., though not in connection with any fee.

¹⁵²² Simoniacal: *kapalawor*; *kapal* is "tax," or "bribe."

¹⁵²³ I.e. the priests claim that it is authorised in the Gospel, though the allusion is not clear.

¹⁵²⁴ See ch.1: the money is to support judges' salaries.

¹⁵²⁵ Cf. ch.207.

¹⁵²⁶ Cf. ch. 5.

¹⁵²⁷ Reading *k'ahanayin*, as in G, for the *k'ahanayn* of A. See ch.207 for the theme.

¹⁵²⁸ See ch. 1.

The cross and the book and the chasuble which the patriarch gives to the bishop, at the death of the bishop let him take back. But what the bishop had acquired himself, let him not take: but by the same token, let him bestow the bishopric¹⁵²⁹ on whom he wishes. Let him do with his own as he wishes. In like fashion let the bishop act with regard to the priest, if there is an heir or not.

*Chapter 247*¹⁵³⁰

Concerning the statutes for boundaries

Let the boundaries of provinces be secured by mountains, or rivers, or markers;¹⁵³¹ and likewise those for villages. Villages built on the boundaries of two or three provinces shall be equally divided, more or less. Likewise fields and other [areas] on the borders of villages; and similarly trees growing on the borders of fields. Now let both [owners] set hedges between vineyards equally;¹⁵³² for although the first put one up for his own sake, let it not be a reason for the second always to set [another] beside it. For if that [first] one was not there, he would certainly have had to place his own; as would the one who acquired or planted the vineyard intending not to place a hedge. In accordance with this, let it be also for the walls of houses and other such.

*Chapter 248*¹⁵³³

Concerning the statutes for animals afflicted by an evil spirit

Demon possession found in animals does not occur through their own fault, because irrational natures cannot sin in any way. This occurs in them as warning for men concerning their sins; also because of their sins, as with the herd of Gadarene swine, because [the local people] had made a pact not to recognise our Lord.¹⁵³⁴ So it is clear that [the demon]¹⁵³⁵ does not have authority over animals, but [the Lord] allows it for the frightening of their masters. When it happens

¹⁵²⁹ Bishopric: *episkoposaran*, an ambiguous word. It may refer to the episcopal residence [cf. *episkopanos* in *Buz.* III 19], or to the diocese [see NBHL, s.v.].

¹⁵³⁰ B: II 129; cf. K: 172.

¹⁵³¹ Marker: *arjan*, or "stela;" see ch.2, n.300 above.

¹⁵³² I.e. sharing the responsibility.

¹⁵³³ B: I 118; cf. K: 169 b.

¹⁵³⁴ Lk. 8.31-33, 37.

¹⁵³⁵ The expanded text in *G* makes the passage clear.

among them, it is right for their owners to pay heed and realise that the compassionate God did not permit it by sparing them, but lest [the demons] enter also into them if they pay no heed. Let them confess their sins; and by prayer and fasting according to their ability, by observing Lent for three years and being sealed by cross and Gospel, perhaps God may be pleased and expel them, and the rational ones will be freed from doubt. But if [the animal] is not healed, let them slaughter it and sell it to the foreigners;¹⁵³⁶ let it not be sold alive, nor back to Christians. However, if they are healed and for three years it does not happen again, then if they slaughter and eat them, or if they sell them to Christians, they are innocent by the Lord's will – and that if it occurs outside the house.

Now if [animals] are sold and [demon-possession] befalls them, let [the previous owner] give assurances with witnesses that in his own house that did not occur. But if he cannot, let the animal be returned. But if it happens after the sale, it may not be returned. [153]

The time of return may be at any time if the affliction occurred in the house of the seller. The same rule of return will apply also to insane [animals].¹⁵³⁷

As for the inedible¹⁵³⁸ animals, if they are incurable let them sell them to foreigners; and if they are healed, to Christians. The [rule of] restitution will be the same.

This is a canonical statute. If it seems pleasing, let it be confirmed in this manner; but if not, let them do as they wish.

*Chapter 249*¹⁵³⁹

Concerning the statutes for joining a minor with an adult in marriage

By canonical law one may not bless the crown [of marriage] for young people before they know the necessities of nature.¹⁵⁴⁰ But if it happens that a minor becomes a wife and an adult her husband, it is doubly evil. For, as we have heard from confession,¹⁵⁴¹ in marriage

¹⁵³⁶ Cf. ch.65.

¹⁵³⁷ Insane: *xelagar*; cf. *xelagarut'iwn* in the title to ch.16.

¹⁵³⁸ I.e. unclean; cf. ch.231.

¹⁵³⁹ B: I 119.

¹⁵⁴⁰ See p.12 for the ages of groom and bride.

¹⁵⁴¹ See the Introduction, p. 32, for MG's acknowledged sources.

the bond of the interval between the two orifices¹⁵⁴² is broken, from which death ensues. So for such harm let there be a canonical statute: to impose on the three the category of a voluntary murderer – the parents of the bride, the groom, and his parents. The priest is to be deposed from his rank, and the betrother¹⁵⁴³ is not to be made innocent but put in the category of involuntary [murderers]. And the bishops are to rebuke severely such persons.

Chapter 250¹⁵⁴⁴

Concerning the statutes for vows

The sites of vows, if they are martyria or some other site of divine grace, or a sign of the cross set up, he will indicate to the bishop of the diocese [or] the priest of the village in whose boundaries it stands, so that he may observe it with care, if he happens to be in distant places. But if he is within the boundaries, the priests will administer equally and apply the dues of the gift for the use of the [church] vessels and adornment, and they themselves will use it without any opposition. Let them not quarrel over the gifts which they offer for healing; but from the bishop the inheritance will belong to the one who serves well. But if, being avaricious, they put the holy places to tribute and do not heed the warning of the bishop, the divine grace is rendered useless, and they will be liable for the loss to the one to whom they will have to give reckoning, as opponents of [154] God's philanthropy and the saints' goodwill, because the latter are intercessors continually for the world without charge.¹⁵⁴⁵ To such persons it is right for the bishop to preach that they not take away any offering, but that they should give to the poor the gifts [offered] to their own homes, and themselves go to pray lest the grace of the church pass to foreigners.

All offerings are symbolical. A *dahekan* because of its pure nature of gold is a symbol of the divinity of Christ; but the saving image [is] our image, which he who previously granted his own image took on, according to the saying: "Give what is Caesar's to Caesar, and what is

1542 Orifice: *vtař*, or "passage."

1543 Betrother: *xawsoř*, since this person is distinguished from the groom, it refers to the one who arranged the marriage; cf. the pass. *xawsec'eal*, "betrothed," as in ch.29.

1544 B: I 120; cf. K: 68.

1545 Intercessors: *barexaws*, the standard term. On p.117 MG refers to the intercession by families for their dead, there *mxit'arut'iwn*. Without charge: *jri*.

God's to God."¹⁵⁴⁶ Now six *dang* are a symbol of the coming of the times;¹⁵⁴⁷ four *t'asu* are a type of the four elements and a symbol of the four gospels; while the twelve *gari* in the *dang* [are a symbol] of the twelve apostles;¹⁵⁴⁸ and the seventy-two *gari* in a *dahekan* are a symbol of the seventy-two apostles.¹⁵⁴⁹ The *dram* is a mystery of our nature, because its letters [spell] "man" in reverse order.¹⁵⁵⁰ Now the other materials, like the offerings on the altar and the offerings to the temple are similar; but those not offered are without symbolism. So those who come to the Mystery are not to be with the thoughtless¹⁵⁵¹ among the foreigners; but if they presume, let the bishop depose them from their rank.

The deceivers are to be totally expelled, who come in the guise of religious and dwell in the sites of vows and cause much stumbling to the simple-minded; erring in their stomachs and other passions, they falsely interpret dreams¹⁵⁵² and lead many astray.

Chapter 251¹⁵⁵³

Concerning the statutes for those who sell from booty

When [people] sell and buy booty, it is not to be immediately returned like stolen property, because that is a legal right of kings and princes.¹⁵⁵⁴ Hence the canons accept it as offerings for the liturgy; but what is stolen or plundered, they do not [accept].

¹⁵⁴⁶ Mt. 22.21; Mk. 12.17; Lk. 20.25.

¹⁵⁴⁷ A references to the six ages of this world before the seventh age of bliss, an important theme in the *Teaching of Saint Gregory*. See the Index, s.v. *Number*, for other references to the following symbolism.

¹⁵⁴⁸ For these divisions of the *dahekan* see ch.104.

¹⁵⁴⁹ Tradition varies between 70 and 72 apostles; see Thomson, *Teaching*, §503 and 686 with notes ad loc.

¹⁵⁵⁰ I.e. *dram*~*mard*. The *NBHL*, s.v. *dram*, notes the same idea in Samuēl Kamrājorec'i. another example is found in the apocryphal *History of the Forefathers*, §35; see Stone, *Armenian Apocrypha Relating to Adam and Eve*, p.197.

¹⁵⁵¹ MG puns on *xorhurd*, "mystery," and hence the Liturgy, contrasted with *an-xorhurd*, "without thought or mind."

¹⁵⁵² There is no parallel in the *Kanonagirk'* to the phrase *patmič'k' erazoc'*. For *vardapets* who "cultivate the stomach" see p.35.

¹⁵⁵³ B: II 130; cf. K: 112.

¹⁵⁵⁴ See ch.2 for the division of booty, 1/10 going to the church.

End of the Lawcode to the glory of God

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